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Regulations

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

UNITED STATES STANDARDS FOR GRADES OF DATES

CROSS REFERENCE: For notice of proposed rules under this part, see F. R. Doc. 46-21357, Department of Agriculture, Production and Marketing Administration, in Notices section, *infra*.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 932—MILK IN FORT WAYNE, IND., MARKETING AREA

CROSS REFERENCE: For notice regarding proposed amendments under this part, see F. R. Doc. 46-21338, Department of Agriculture, Production and Marketing Administration, in Notices section, *infra*.

PART 942—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

CROSS REFERENCE: For notice of proposed rules under this part, see F. R. Doc. 46-21364, Department of Agriculture, Production and Marketing Administration, in Notices section, *infra*.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of Treasury

[T. D. 51578]

PART 14—APPRAISEMENT

MERCHANDISE AT PORT OF SAN FRANCISCO

Having been informed generally as to the character and description of merchandise covered by entries filed at the

port of San Francisco, California, between October 1 and November 12, 1946, both inclusive, but not released from customs custody before the close of business on the latter date, it is my opinion that the examination of less than 1 package of every 10 packages, but not less than 1 package of every invoice, of such merchandise will amply protect the revenue. Therefore, by virtue of the authority contained in sections 499 and 624 of the Tariff Act of 1930, as amended (19 U. S. C. secs. 1499 and 1624), I do by this special instruction permit and authorize a less number of packages than 1 package of every 10 packages, but not less than 1 package of every invoice, of such merchandise to be examined.

This special instruction shall not be construed to preclude the examination of packages in addition to the minimum number hereby permitted to be examined if the collector or the appraiser shall deem it necessary that a greater number of packages be examined.

The number of this Treasury decision shall be added as a marginal notation to § 14.1 (b) of this chapter.

(Sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 624, 46 Stat. 759; 19 U. S. C. 1499, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: December 3, 1946.

E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 46-21328; Filed, Dec. 9, 1946; 8:50 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Premium Payments Reg. 1 as Amended Dec. 3, 1946, Incl. Int. 1-7]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

STRUCTURAL CLAY PRODUCTS

Purpose and findings. This general regulation is issued to stimulate addi-

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

AGRICULTURE DEPARTMENT:	Page
Dates, U. S. standards for grades; proposed rules.....	14177, 14210
Fort Worth Stock Yards; petition for modification.....	14201
Milk handling:	
Fort Wayne, Ind., area; proposed rules.....	14177, 14201
New Orleans, La., area; proposed rules.....	14177, 14207
ALIEN PROPERTY, OFFICE OF:	
Vesting orders, etc.:	
Deutsche Gemeinde, Tokyo-Yokohama.....	14216
Hertzweive, Flora.....	14218
Pohl, Joseph A.....	14219
Takizawa, Shigezo.....	14217
Von Schrader, Emmy.....	14217
CIVILIAN PRODUCTION ADMINISTRATION:	
Coke, bituminous; emergency restrictions on delivery (M-21, Dir. 17).....	14186
Fiber and cordage, manila (abaca) and agave (M-84).....	14184
Iron and steel, emergency distribution (M-21, Dir. 16).....	14187
CUSTOMS BUREAU:	
Appraisal; merchandise at San Francisco, Calif.....	14177
FEDERAL COMMUNICATIONS COMMISSION:	
General Counsel, delegation order.....	14216
Hearings, etc.:	
Booth Radio Stations, Inc.....	14213
Capitol Broadcasting Co., Inc.....	14215
Crescent Broadcast Corp.....	14212
Delta Broadcasting Co. (WDBC).....	14216
Frequency service-allocations, revised.....	14214
Mission Broadcasting Co.....	14213
Radiotelegraph service between U. S. and foreign and overseas points and assignment of frequencies.....	14214
San Gabriel Valley Broadcasting Co. et al.....	14212
WARC, Inc.....	14213



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CONTENTS—Continued

FEDERAL COMMUNICATIONS COMMISSION—Continued.	Page
Motions Commissioner, designation	14214
Organization, practice and procedure	14197
Applications required	14196
Report, annual, to be filed by licensees of broadcast stations; proposed rules	14196, 14216
FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Bellows Falls Hydro-Electric Corp.	14220
Connecticut Light and Power Co.	14219
East Ohio Gas Co.	14219
Michigan Gas Storage Co.	14220
Panhandle Eastern Pipe Line Co.	14219
Safe Harbor Water Power Corp.	14220

CONTENTS—Continued

FEDERAL POWER COMMISSION—Con.	Page
Hearings, etc.—Continued.	
Tennessee Gas and Transmission Co.	14220
HOUSING EXPEDITER, OFFICE OF:	
Premium payments:	
Clay products, structural	14177
Gypsum liner, merchant	14181
Priorities regulations; veterans building for own occupancy	14183
INTERSTATE COMMERCE COMMISSION:	
Freight commodity statistics:	
Carriers by water	14197
Railways, electric	14199
PANAMA CANAL:	
Carrying and keeping of arms, hunting and fishing; miscellaneous amendments	14191
PRICE ADMINISTRATION, OFFICE OF:	
Defense rental areas:	
Hotels and rooming houses (Am. 101)	14187
Miami area (Am. 23)	14187
New York City area (Am. 30)	14188
Housing (Am. 108)	14189
Atlantic County (Am. 24)	14189
Miami (Am. 28)	14191
New York City (Am. 32)	14190
Sugar (3d Rev. RO 3, Am. 32)	14190
PUBLIC HEALTH SERVICE:	
Foreign quarantine; air commerce	14192
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
National Founders Corp.	14220
Standard Gas and Electric Co.	14220
SOLID FUELS ADMINISTRATION FOR WAR:	
Coal, bituminous, interim direction to shippers in all districts, to Lake and tide-water commercial dock operators, to retail dealers, and shippers of domestic coke	14183
WAGE AND HOUR DIVISION:	
Records to be kept by employers; opportunity to file written statements	14183, 14212

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

TITLE 7—AGRICULTURE:	Page
Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices):	
Part 52—Processed fruits, vegetables and other products (inspection, certification, and standards) (proposed)	14177, 14210
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders):	
Part 932—Milk in Fort Wayne, Ind. (proposed)	14177, 14201
Part 942—Milk in New Orleans, La. (proposed)	14177, 14207

CODIFICATION GUIDE—Continued

TITLE 19—CUSTOMS DUTIES:	Page
Chapter I—Bureau of Customs:	
Part 14—Appraisement	14177
TITLE 24—HOUSING CREDIT:	
Chapter VIII—Office of Housing Expediter:	
Part 863—Priorities regulations under Veterans' Emergency Housing Act, 1946	14183
Part 805—Premium payments regulations under Veterans' Emergency Housing Act, 1946 (2 documents)	14177, 14181
TITLE 29—LABOR:	
Chapter V—Wage and Hour Division:	
Part 516—Records to be kept by employers (proposed)	14183, 14212
TITLE 30—MINERAL RESOURCES:	
Chapter VI—Solid Fuels Administration for War:	
Part 602—General orders and directives	14183
TITLE 32—NATIONAL DEFENSE:	
Chapter IX—Civilian Production Administration:	
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
Chapter XI—Office of Price Administration:	
NOTE: Regulations and orders appearing under this chapter are listed only in the Table of Contents, <i>supra</i> .	
TITLE 35—PANAMA CANAL:	
Chapter I—Canal Zone regulations:	
Part 8—Carrying and keeping of arms; hunting; fishing	14191
TITLE 42—PUBLIC HEALTH:	
Chapter I—Public Health Service:	
Part 11—Foreign quarantine	14192
TITLE 47—TELECOMMUNICATION:	
Chapter I—Federal Communications Commission:	
Part 1—Organization, practice, and procedure (2 documents)	14196, 14197
Proposed	14196, 14216
TITLE 49—TRANSPORTATION AND RAILROADS:	
Chapter I—Interstate Commerce Commission:	
Part 123—Freight commodity statistics (2 documents)	14197, 14199

tional production of structural clay products by providing for premium payments with respect to units of additional production above established quotas. It describes how quotas are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the Veterans' Emergency Housing Act of 1946.

All available means of increasing the supply of structural clay products for the veterans' emergency housing pro-

gram and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration the Expediter finds that premium payments are temporarily necessary to increase the supply of such materials, and to stimulate additional production with greater rapidity, economy, and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

- (a) Definitions.
- (b) Computation of production for quotas and claims.
- (c) Establishment of quota.
- (d) Application for quota.
- (e) Rate and computation of premium payment.
- (f) Claim for payment.
- (g) Payment.
- (h) Records.
- (i) Official interpretations.
- (j) Termination.
- (k) Effective date.

§ 805.1 *Structural clay products*—(a) *Definitions.* As used in this section:

(1) "Producer" means a person who operates a plant in which clay products are produced.

(2) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but does not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(3) "Structural clay products" means what is commonly known to the industry as burned common and face clay brick—glazed and unglazed; structural clay tile—unglazed; and structural facing tile—glazed and unglazed. It does not include drain tile, roofing tile, flue lining, floor and wall tile, paving brick, fire-clay brick, sewer pipe, quarry tile or any other clay products.

(4) "Plant" means an integrated manufacturing establishment for the production of clay products (within the United States, its Territories, possessions or the District of Columbia) occupying a single site and, where consisting of several complete manufacturing units, using common shipping and storing facilities and common operating supervision.

(5) "Month" means calendar month: *Provided, however,* Any producer on whom this provision works a hardship may apply by letter to the Expediter, Washington, D. C., for authorization to submit his application for quota and claims for payments beginning with the claim for June 1946 on the basis of a stipulated fiscal month. With respect to a producer who has received such authorization, this section shall become effective on the first day of his fiscal month, beginning on or after June 1, 1946, and shall terminate on the same date on which this section terminates as to other producers.

(6) "Full operating month" means a month in which a plant operated at least twenty days except for February during which the plant must have operated at least eighteen days.

(7) "Claim" means a claim for payment filed pursuant to this regulation.

(8) "New producer" means, with respect to a plant which prior to the effective date of this section was not operated for the production of clay products a person who operates such a plant after the effective date of this section and who did not operate prior to the effective date of this section any plant for the production of clay products.

(9) "Expediter" means the Housing Expediter as defined in the Veterans' Emergency Housing Act of 1946 or his duly authorized representative.

(10) "OHE" means the Office of the Housing Expediter.

(b) *Computation of production for quotas and claims.* (1) For the purpose of determining the quota of a plant and for the purpose of determining the amount of a claim, production of a plant shall be computed according to the following instructions. Find the number of units of completely burned clay products produced in the month involved (whether or not removed from the kiln) and computed on the basis of standard size brick equivalents. For quantities removed from kiln during the month count only the products which are of a grade and character suitable for sale. For any completely burned quantities remaining in kilns make a reasonable deduction for breakage and wastage. Do not count quantities of clay products which are in the process of being burned.

(2) The following computations shall be used in converting to standard size brick equivalents:

(i) For structural clay tile and drain tile a factor of 1.5 tons per thousand bricks shall be used in making the conversion.

(ii) For glazed and unglazed hollow facing tile, oversize brick and any other clay products not included in subdivision (i) above, the producer shall convert to standard size brick equivalents using the conversion factor, if any, previously utilized by him in preparing reports to other Federal Government agencies, or, if no such conversion factor has ever been so used, using the conversion factor, if any, he has customarily used in his business, or, if no such conversion factor has ever been so used, using such reasonable conversion factor (subject to redetermination by the Expediter) as is applicable in each case. The same conversion factor shall be used for a clay product both for the purpose of computing the quota of the plant in which it was produced and for the purpose of computing all claims for production of that clay product in that plant.

(c) *Establishment of quota.* (1) A separate quota shall be established for each and every plant of the producer as follows:

(i) With respect to a plant where clay products were produced for at least three full operating months during January through May 1946, the quota shall be the lower of the following: (a) The

arithmetical average of the production of all clay products stated in terms of standard size brick equivalents for the two months of highest production during January through May 1946, or (b) 90 percent of the production of all clay products stated in terms of standard size brick equivalents for the month of highest production during January through May 1946.

(ii) With respect to a plant where clay products were produced less than three but at least two full operating months during January through May 1946, the quota shall be 90 percent of the production of all clay products stated in terms of standard size brick equivalents for the month of highest production during those two months.

(iii) With respect to a plant where clay products were produced prior to June 1, 1945, but where no clay products of any kind were produced during the year June 1, 1945, through May 31, 1946, the quota for each month shall be two-thirds of the production of "structural clay products" stated in terms of standard size brick equivalents during that month and premium payments will be made on the remaining one-third. In determining quotas under this paragraph clay products other than "structural clay products" shall not be included.

(iv) With respect to all other plants, a special quota shall be established by the Expediter: *Provided, however,* That no such quota shall be established for a new producer which would result in the application of premium payments to more than 50 percent of the value (in terms of the producer's selling price) of the total output of such producer.

(v) Upon application therefor, a special quota adjusted for any number of consecutive months of the year may be established by the Expediter with respect to a plant where, customarily, because of the effect of weather conditions on plant operations, the production of clay products during said months is substantially less than production in the other months of the year.

(2) In the case of a producer with two or more plants, if the production in any plant falls below the quota for that plant in any month, the Expediter may establish a combined quota for any or all plants if he determines that production has been shifted among such plants so as to increase the producers total claims without a corresponding increase in total output.

(d) *Application for quota.* (1) Every person who wishes to receive premium payments under this section shall file an application for quota on prescribed forms in accordance with instructions on the forms. A separate application shall be filed for each and every plant of the applicant.

(2) With respect to those plants whose quotas are established under paragraph (c) (1) (i), (ii) or (iii) of this section, the application forms may be obtained from any Reconstruction Finance Corporation Loan Agency and shall be filed with the first claim for payment.

(3) All applications for quotas under paragraph (c) (1) (i), (ii) or (iii) of this section shall be filed with the RFC

at the Loan Agency for the district in which the plant is located except that a producer operating more than one plant shall simultaneously file the applications covering all his plants at the Loan Agency for the district in which his main office is located. A producer may find out in which RFC Loan Agency district he is located by consulting his bank.

(4) All applications for special quotas under paragraph (c) (1) (iv) or (v) of this section shall be filed with the Civilian Production Administration, Washington, D. C. The application forms may be obtained from any RFC Loan Agency.

(5) Each application for an adjustment of quota pursuant to subdivision (c) (1) (v) of this section must be filed not later than December 31, 1946: *Provided, however*, That with respect to any plant which has not operated for the production of clay products between June 1, 1946 and November 30, 1946, inclusive, such application may be filed not later than 30 days following the end of the month in which production first occurs in such plant subsequent to November 30, 1946.

(e) *Rate and computation of premium payment.* (1) A premium payment of \$5 for each thousand units of production stated in terms of standard size brick equivalents in excess of established quotas will be made. The amount payable for each month will be computed by subtracting from the total number of units of production stated in terms of standard size brick equivalents during the month the amount of the established quota and multiplying the remainder by \$5 per thousand units.

(2) In the case of a plant whose quota includes clay products other than structural clay products, the production for the month covered by the claim may include such other clay products up to but not exceeding the amount of other clay products in its quota. The other clay products in the quota may be found as follows:

(i) With respect to a plant whose quota is the arithmetic average of production in the two months of highest production, take the arithmetic average of the production of other clay products in these two months.

(ii) With respect to a plant whose quota is 90% of production in the month of highest production, take 90% of production of other clay products in that month.

EXAMPLE: A plant has a quota of 1,000 standard size brick equivalent, made up of 800 in structural clay products and 200 in other clay products. In August it produces 1,500 standard size brick equivalent of all clay products made up of 1,200 structural clay products and 300 other clay products. The claim for August should be for 400 standard size brick equivalents of production in excess of quota, computed as follows:

Structural clay products produced.....	1,200
Other clay products produced (but not in excess of amount in quota).....	200
Total production in claim.....	1,400
Quota.....	1,000
Production in excess of quota.....	400

(f) *Claim for payment.* (1) Each claim for payment shall be filed on prescribed forms in accordance with instructions on the forms. These forms may be obtained from any RFC Loan Agency.

(2) Each claim for payment shall be filed on or before the last day of the month following the end of the month in which the production occurred: *Provided, however*, That claims for payment on account of production during the month of June, 1946, may be filed not later than August 31, 1946: *And provided further*, That a producer obtaining a special quota for any plant shall file all previously accrued claims on account of production in that plant not later than the last day of the month following the end of the month in which the special quota was established by the Expediter. With respect to any plant, no claim shall accrue on account of production occurring prior to the first day of the month in which the application for quota for such plant is filed with the Expediter: *Provided, however*, That this provision shall not become effective until November 1, 1946.

(3) Each claim for payment shall include all of the production of the month for which claim is made and no other. Any producer whose production in any month is insufficient to permit the payment of a premium shall nevertheless file a claim form on or before the end of the month following the month in which the deficit occurred as an information return to indicate the amount of such deficit.

(4) Each claim for payment or information return shall be filed with the RFC at the Loan Agency for the District in which the main office of the plant is located, except that a producer operating more than one plant shall simultaneously file the claims or information returns for all of his plants at the Loan Agency for the District in which his main office is located.

(5) No claim under this section shall be assignable except as a part of a bona fide transfer of the plant to a legal successor.

(g) *Payment—(1) Review by RFC.* In reviewing applications for quota and claims for payment, the RFC will determine whether such applications and claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the applicant that part of the claim so accepted: *Provided, however*, That with respect to claims for the months of April and May, 1947, RFC may require that bond be furnished in form and amount satisfactory to it before making payment thereon. Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may (i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or, (ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of applications for quota and claims for payment, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4 percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(iii) In the event that the Expediter establishes a combined quota under paragraph (c) (2) of this section, payment shall be made on the basis of the amount by which total production of those plants whose quotas have been combined exceeds the total quotas of these plants.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a producer, and such producer shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the producer has failed: (i) To comply with any of the requirements of this section, or (ii) To accept a rated order for structural clay products as required by the applicable priorities regulations of CPA or OHE.

(h) *Records.* Every producer shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of his applications for quota and claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in producer's applications for quota and claims for payment or as may be required by the Expediter.

(i) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(j) *Termination.* This section shall terminate on May 31, 1947. In the event the Expediter finds that any substantive amendments, including but not limited to an amendment of the termination date, have become necessary, no such amendments will be issued until after adequate notice to and discussion with representatives of the producers covered by this section.

Termination of this section shall not preclude the filing of claims for payment during the month following such termination on account of production during the immediately preceding month. Such claims shall be dealt with in accordance

with the provisions of this section in the same manner as if it had not been terminated.

(k) *Effective date.* This section as amended shall become effective as of November 10, 1946.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 3d day of December 1946.

WILSON W. WYATT,
Housing Expediter.

INTERPRETATION 1

ESTABLISHMENT OF QUOTA BY PRODUCER WHO HAS NO PRODUCTION RECORDS (PARAGRAPH (C))

If a producer has no monthly production records, but has monthly sales records and monthly inventory records, he may determine monthly production for purposes of quota by deducting his inventory at the beginning of the month from the total of his sales during the month and his inventory at the end of the month.

If a producer has neither monthly production records nor monthly inventory records, he should apply for a special quota under paragraph (c) (1) (iv) and (d) (4) of the regulation. (Issued July 11, 1946.)

INTERPRETATION 2

CONVERSION FACTOR FOR MODULAR SIZE BRICK

The conversion factor for modular size brick used under MPR 592, Order No. 17, issued by OPA may be used as the conversion factor for modular size brick under this premium payments regulation. The conversion factor under this OPA order is used in computing OPA maximum prices which are then filed by the producer with OPA. It is, therefore, a conversion factor previously utilized in preparing reports to a Federal Government agency as required by this premium payments regulation. (Issued July 11, 1946.)

INTERPRETATION 3

APPLICATION OF TERM "STRUCTURAL CLAY PRODUCTS" TO CONCRETE BUILDING BRICK

Concrete and cement building bricks are not "structural clay products", as defined in paragraph (a) (3) of Premium Payments Regulation 1. (Issued July 19, 1946.)

INTERPRETATION 4

APPLICATION OF TERM "STRUCTURAL CLAY PRODUCTS" TO FLOOR BRICK

Floor bricks are not commonly known to the industry as burned common or face clay brick and consequently are not "structural clay products", as defined in paragraph (a) (3) of Premium Payments Regulation 1. (Issued August 9, 1946.)

INTERPRETATION 5

MEANING OF TERM "VALUE OF PRODUCTION" AS USED IN FORM NHA 14-43

The term "Value of production" in Form NHA 14-43 means the producer's selling price, f. o. b. plant. (Issued August 28, 1946.)

INTERPRETATION 6

STRUCTURAL CLAY PRODUCTS; COMPUTATION OF PRODUCTION

Paragraph (b) (1) of Premium Payments Regulation 1 requires that for the purpose of determining the quota of a plant and the amount of a claim, production be computed by determining the number of units of "completely burned clay products produced in the

month involved." The term "produced" includes, in its usual sense, the entire process of manufacture. The process of manufacture of a structural clay unit consists of (1) the forming of the unit, (2) the drying of the unit, and (3) the burning of the unit.

When the entire process of manufacture of a structural clay unit in any plant has taken one month or less, then it is proper to determine production in any such month by counting the number of structural clay units completely burned during that month. The same method of determining production may also be used even where the process of manufacture exceeds one month if there are no radical fluctuations (other than normal seasonal fluctuations) in the number of units completely burned from month to month.

Where, however, the process of manufacture of a structural clay unit exceeds one month, and there are radical fluctuations (other than normal seasonal fluctuations) in the number of units completely burned from month to month, it is obvious that the number of units burned in any one month does not even approximate the number of units in fact produced during that month. In such cases, it is necessary to make a reasonable allocation of the number of units completely burned during one or more months to each of the months involved in the production of those units. This should be done by dividing the total number of units completely burned during a selected group of consecutive months by the number of months in such group. It is recognized that as a practical matter in most cases, it will not be possible to select a group of months during which all of the units burned were completely manufactured. However, the aim should be to select a group of months during which the predominant number of the units that were completely burned were also completely manufactured during those same months. The monthly average of the number of completely burned units arrived at in this fashion may be regarded as the production during each of the months in the group selected for this computation.

The principles stated in this official interpretation apply for purposes of determining production both during the quota period and during a claim period. (Issued September 26, 1946.)

INTERPRETATION 7

APPLICATION OF "STRUCTURAL CLAY PRODUCTS" TO IRRIGATION DITCH LINERS AND RADIAL CHIMNEY BRICK

Irrigation ditch liners and radial chimney brick are not "structural clay products" as defined in paragraph (a) (3) of Premium Payments Regulation 1, as amended. (Issued October 24, 1946.)

[F. R. Doc. 46-21385; Filed, Dec. 6, 1946; 12:51 p. m.]

[Premium Payments Reg. 3 as Amended Dec. 3, 1946, Incl. Int. 1]

PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

MERCHANT GYPSUM LINER

Purpose and findings. This general regulation is issued to stimulate additional production of merchant gypsum liner by providing for premium payments with respect to units of additional production above established quotas. It describes who is eligible, how quotas and production goals are established, and the methods, procedures and conditions under which such payments may be obtained. This regulation is issued pursuant to the authority of the "Veterans' Emergency Housing Act of 1946."

All available means of increasing the supply of merchant gypsum liner for the veterans' emergency housing program and for other construction, maintenance and repair essential to the national well-being have been considered. Based on such consideration, the Expediter finds that premium payments are temporarily necessary to increase the supply of merchant gypsum liner, and to stimulate additional production with greater rapidity, economy and certainty than other available methods. The premium payments provided herein are applied at a uniform rate within the industry. In applying premium payments to necessary additional production in this industry, emphasis has been placed upon avoiding either economic dislocations or adverse effects upon established business.

Par.

- (a) Definitions.
- (b) Eligibility.
- (c) Determination and assignment of production goals.
- (d) Transfer of production goals.
- (e) Quota.
- (f) Rate and computation of premium payments.
- (g) Rejects, deficits and carry-overs.
- (h) Claim for payment.
- (i) Payment.
- (j) Records.
- (k) Official interpretations.
- (l) Termination.
- (m) Effective date.

§ 805.3 Merchant gypsum liner—(a) **Definitions.** As used in this section:

(1) "Company" means any person who manufactures or is determined by the Expediter to be capable of manufacturing merchant gypsum liner.

(2) "Person" means an individual, corporation, partnership, association, or any other organized group of any of the foregoing, or legal successor or representative of any of the foregoing, but shall not include the United States, any of its political subdivisions or any agency thereof, any other Government, any of its political subdivisions or any agency thereof.

(3) "Gypsum liner" means the cream-faced or greyback paper, the black or green news-lined paper or the lath paper used in the manufacture of gypsum board, sheathing or lath to encase the processed gypsum rock which forms the main body of the board, sheathing or lath.

(4) "Merchant gypsum liner" means gypsum liner sold or manufactured for sale to a gypsum board or lath manufacturer who neither owns nor controls the gypsum liner manufacturer and who is not under common control or ownership with the gypsum liner manufacturer.

(5) "Production goal" means the tonnage of merchant gypsum liner assigned by the Expediter to a company for shipment during any month, with a shortage tolerance of five percent.

(6) "Month" means calendar month: *Provided, however,* Any company on whom this provision works a hardship may apply, by letter, to the Expediter, Washington, D. C. to have production goals assigned to it and to receive authorization to submit its claims, beginning with the claim for June 1946, on the basis of a stipulated fiscal month.

With respect to a company which has received such authorization, this section shall become effective on the first day of its fiscal month, beginning on or after June 1, 1946, and shall terminate on the same date on which this section terminates as to other companies.

(7) "Claim" means a claim for payment under this regulation computed in accordance with the provisions hereof.

(8) "OHE" means the Office of the Housing Expediter.

(9) "Expediter" means the Housing Expediter as defined by the Veterans' Emergency Housing Act of 1946 or his duly authorized representative.

(b) *Eligibility.* Any company is eligible for premium payments under this section if it meets both the following conditions:

(1) The company is assigned a production goal, and

(2) The company ships such assigned goal within the month for which the goal was assigned.

(c) *Determination and assignment of production goals.* (1) Each month the Expediter will determine the total tonnage of merchant gypsum liner needed to meet the requirements of the veterans' emergency housing program and other essential construction, maintenance and repair. He will then assign production goals on the basis of the following calculations:

(i) An initial apportionment of tonnage will be made to each regular supplier of merchant gypsum liner whose shipments during the period January through April 1946 averaged more than 300 tons per month. The apportionment to each company will be in an amount approximating its historical monthly shipments of merchant gypsum liner.

(ii) The balance of the total tonnage requirements will then be apportioned among all boxboard companies capable of producing merchant gypsum liner, including the regular suppliers covered by subdivision (i) of this subparagraph. This apportionment will be made to each boxboard company in approximately the proportion that its total production of boxboard and miscellaneous board bore to the industry's total production of such products during the first quarter of 1946.

(iii) In determining the capability of a company to manufacture merchant gypsum liner consideration will be given to the adaptability of facilities and the suitability of machines and roll equipment to the production of merchant gypsum liner; the feasibility of using its merchant gypsum liner for the manufacture of gypsum board and lath; the cost of transportation of its merchant gypsum liner to gypsum board and lath manufacturers and other similar factors.

(2) Any company not assigned a production goal may file an application on form NHA 14-36 with the Expediter, Washington, D. C. In the discretion of the Expediter, a production goal may be assigned to the applicant for the current or succeeding month upon such basis as the Expediter may deem equitable: *Provided, however,* That any subsidiary of a gypsum board or lath manufacturer

will be assigned a production goal only to the extent that such subsidiary:

(i) Together with other subsidiaries of the same gypsum board or lath manufacturer, manufactures in the aggregate more than the maximum requirements of such gypsum board or lath manufacturer, and

(ii) Ships such excess production of gypsum liner as merchant gypsum liner.

The term "subsidiary" as used in this subdivision means a company that manufactures gypsum liner for consumption in its own gypsum board or lath manufacturing operations or in those of a company by whom it is owned or controlled or with whom it is under common ownership or control.

(3) Any company desiring a larger production goal may file an application on form NHA 14-36 with the Expediter, Washington, D. C.

(4) If the Expediter finds that a company will be unable to meet a production goal due to unusual circumstances beyond its control, the Expediter may cancel or modify and may reassign such production goal in whole or in part.

(d) *Transfer of production goals.* (1) Any company may transfer its production goal, in entirety only, to any other company otherwise eligible under this section.

(2) Transfers shall be made in writing signed by both companies. The transfer agreement shall specify the tonnage transferred and the company accepting the transfer shall file the agreement with the Expediter, Washington, D. C., within the month in which the transfer is made.

(e) *Quota.* Each eligible company will receive premium payments only with respect to tonnage shipped by it in excess of its quota. The quota of each company shall be 60 percent of its production goal.

(f) *Rate and computation of premium payments.* (1) A premium payment of \$40 for each ton of merchant gypsum liner shipped in excess of quota during the month will be made to eligible companies, but in no event will premium payments be made on merchant gypsum liner shipped in excess of 105 percent of any production goal.

(2) In the event a production goal is transferred:

(i) The quota applicable to the transferred goal will remain the same as it was before the transfer.

(ii) No premium payments will be made on such transferred goal unless the company to which it was transferred ships both the goal originally assigned to it and the transferred goal within the month for which both goals were assigned.

(3) In the event a goal is reassigned no premium payments will be made on such reassigned goal unless the company to which it was reassigned ships both the goal originally assigned to it and the reassigned goal within the month for which both goals were assigned.

(g) *Rejects, deficits and carry-overs.* (1) In the event a company's shipments during any month include merchant gypsum liner which the purchaser rejects as unfit for use in the manufacture

of gypsum board and lath, the company may make up the amount of such rejects from shipments during the following two months. If the company elects not to make up such rejects, the following shall apply:

(i) The rejected tonnage shall be deducted from the tonnage that was credited toward meeting the production goal originally assigned to the company for the month in which the rejected tonnage was shipped, and

(ii) If the net remaining tonnage is less than 95 percent of the production goal originally assigned to the company, the entire claim shall be invalid and any previous payments thereon subject to recovery or set-off. If the net remaining tonnage is 95 percent or more of such production goal the claim shall be recomputed and any overpayments subject to recovery or set-off.

(2) In the event a company fails to ship its originally assigned goal or a transferred or a reassigned goal for any month, and the expediter finds upon application by the company that such failure was due to unusual circumstances beyond the company's control, the company may make up the deficit during the next succeeding month. Such applications may be filed on form NHA 14-36 with the Expediter, Washington, D. C.

(3) Any company that ships in any month merchant gypsum liner in excess of the maximum tonnage upon which premium payments may be made under this section, shall have the right to carry such excess over to the next month. The tonnage so carried over may be applied in meeting its originally assigned goal, a transferred or a reassigned production goal for the next month.

(h) *Claim for payment.* (1) Each claim shall be filed on form NHA 14-37. These forms may be obtained from any Reconstruction Finance Corporation Loan Agency. A company may find out in which RFC Loan Agency district it is located by consulting its bank.

(2) Each claim under a transferred production goal and each copy of such claim shall have attached thereto a copy of the transfer agreement.

(3) Each claim shall be filed on or before the last day of the month following the end of the month in which the merchant gypsum liner was shipped, except that a claim for payment for a month in which a deficit occurs shall be filed with the claim for the next succeeding month.

(4) Each claim shall be filed with RFC at the Loan Agency for the district in which the main office of the company is located.

(5) No claim under this section shall be assignable except as a part of the bona fide transfer of the company to a legal successor.

(i) *Payment—(1) Review by RFC.* In reviewing claims, the RFC will determine whether such claims appear to have been correctly and properly prepared.

(2) *Terms of payment.* If the claim or any part thereof is accepted by RFC subject to final verification, RFC will then pay the claimant that part of the claim so accepted: *Provided, however,* That with respect to claims for the last

two months during which this section is in effect the RFC may require that bond be furnished in form and amount satisfactory to it before making payment. Preliminary acceptance and payment of a claim shall not constitute final acceptance of the validity or amount of the claim. If, after review or audit, there is cause to question the validity of any claim, RFC may—

(i) Require that bond be furnished in form and amount satisfactory to it before making further payments, or,

(ii) Suspend further payments.

(3) *Verification of claims.* (i) Upon receipt of claims, RFC will forward copies to the Expediter for verification and such investigation or audit as may be deemed appropriate.

(ii) If the amount verified and approved by the Expediter is less than the amount previously paid, the claimant shall upon demand by RFC refund the overage to RFC together with interest thereon at the rate of 4 percent per annum calculated from the date of such overpayment to the date repayment is made to the RFC or such overage plus interest may be deducted from any accrued or subsequent claim for any payment by RFC to the claimant.

(4) *Invalidation of claims.* The Expediter shall have the right at any time to declare invalid any claim of a company, and such company shall upon demand refund to RFC any payment on such claim, if the Expediter finds that the company:

(i) Has failed to comply with any of the requirements of this section, or

(ii) Has failed to comply with directives, orders or regulations of the Civilian Production Administration or OHE on merchant gypsum liner.

(j) *Records.* Every company shall prepare and preserve for inspection for a period of not less than two years after the date of termination of this section, all books, records and other documents which furnish information in support of its claims for payment. The Expediter or his designated agents shall have the right at any time to make such examinations and audits of these books, records and other documents as may be necessary to verify the representations in the companies' claims for payment or as may be required by the Expediter.

(k) *Official interpretations.* Official interpretations of this section may be given only in writing by the General Counsel of the Office of the Expediter, or his duly authorized representative. A request for an official interpretation must be filed in writing directly with the Expediter or the General Counsel.

(l) *Termination.* This section may be terminated by the Expediter at the end of any month on thirty days prior notice, if he finds that an adequate level of shipments of merchant gypsum liner can be maintained without further premium payments. No termination of this section shall be effective with respect to production goals already assigned. Termination of this section shall not preclude the filing of claims for payment during the month following such termination on account of shipments during the immediately preceding month. Such claims shall be dealt with in accordance with the provisions of this section in the same manner as if it had not been terminated.

(m) *Effective date.* This section as amended shall become effective as of November 1, 1946.

NOTE: The reporting and record-keeping requirements of this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 388, 79th Cong.)

Issued this 3d day of December 1946.

WILSON W. WYATT,
Housing Expediter.

INTERPRETATION 1

INVALIDATION OF CLAIMS BASED ON CIRCUMSTANCES OCCURRING PRIOR TO JUNE 1, 1946

Paragraph (i) (4) of Premium Payments Regulation 3 which provides that the Expediter may invalidate any claim under certain circumstances does not apply when such circumstances occurred prior to June 1, 1946. (Issued August 1, 1946.)

[F. R. Doc. 46-21386; Filed, Dec. 6, 1946; 12:51 p. m.]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS EMERGENCY HOUSING ACT OF 1946

[Housing Expediter Priorities Reg. 5, Interpretation 3]

A VETERAN BUILDING "FOR HIS OWN OCCUPANCY"

Paragraph (c) of Housing Expediter Priorities Regulation 5 provides in part that a veteran (as defined) who wishes to build for his own occupancy as owner may apply for authorization and priorities assistance under the regulation. A veteran is considered to be building "for his own occupancy" if the dwelling to be constructed and owned by him will be physically occupied by him for residential purposes substantially all of the time and the veteran intends to occupy the dwelling permanently or for an indefinite period of time.

A veteran is also considered to be building "for his own occupancy" if he is to personally occupy the dwelling permanently or for an indefinite period of time, subject to normal or necessary extended absences, and the dwelling is to be physically occupied substantially all of the time for residential purposes by his immediate family (i. e., the veteran's wife or minor children).

Issued this 6th day of December 1946.

DAVID L. KROOTH,
General Counsel.

[F. R. Doc. 46-21387; Filed, Dec. 6, 1946; 12:52 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

CROSS REFERENCE: For notice of opportunity to file written statements regarding amendment to the record keeping

regulations, see F. R. Doc. 46-21325, Department of Labor, Wage and Hour Division, in Notices section, *infra*.

TITLE 30—MINERAL RESOURCES

Chapter VI—Solids Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

[Reg. 1, Notice of Interim Direction 10 Under § 602.1]

INTERIM DIRECTION TO SHIPPERS OF BITUMINOUS COAL PRODUCED IN ALL DISTRICTS, TO LAKE AND TIDEWATER COMMERCIAL DOCK OPERATORS, TO RETAIL DEALERS, AND SHIPPERS OF DOMESTIC COKE

Until such time as adequate supplies of bituminous coal are produced, it is necessary that coal be first supplied for the maintenance of activities essential to the health and safety of the Nation, and that the remaining coal be distributed equitably so as to avoid hardship and distress. Accordingly, notwithstanding the provisions of Revised Regulation No. 32, as amended (11 F. R. 8575, 10282, 11560), this Notice of Interim Direction is issued pursuant to the provisions of SFAW Regulation No. 1, as amended (8 F. R. 5832, 16320; 10 F. R. 1724, 13261):

Shippers of Bituminous Coal Including Commercial Dock Operators Shipping Via Rail Ex-dock

1. Shippers of bituminous coal shall make shipments only as provided herein:

(a) First preference shall be given to orders of: Public utilities which render public service to any community by supplying electricity, water, gas, sewage disposal service or street railway transportation; railroads; steamships and tugboats for bunker or galley fuel; laundries; hospitals; food processing plants (including milk plants, dairies and commercial bakeries); refrigeration plants; hotels; and retail dealers for any of the above purposes or for domestic use in any dwelling or apartment: *Provided, however,* That no shipments shall be made to any such person who has on hand a supply of fuel in excess of the following amounts:

(i) 20 days' supply in the case of any utility receiving coal all-rail, and 30 days' supply in the case of any utility receiving coal via lake, river, or tidewater;

(ii) 15 days' supply in the case of any other such consumer receiving coal all-rail; and 25 days' supply in the case of any such consumer receiving coal via lake, river, or tidewater; and

(iii) In the case of a retail dealer, or commercial dock operator, a tonnage sufficient to enable him to deliver to each of his consumer customers in the preference group who has less than a 15 days' supply on hand, a quantity equal to 15 days' supply or one minimum truck or wagon load.

In no event shall any shipment be made in an amount in excess of that required to maintain the days' supply above specified.

2. No preference shall be given to any category listed in the preference group set forth in paragraph numbered 1 above over any other category therein set forth, nor to any customer within any such category, except that in making the shipments therein directed the shippers shall first ship to the customers in such categories who have the lowest number of days' supply.

3. After arranging for shipment on the orders of the preference group set forth in paragraph numbered 1 above, shipments may be made to others who have less than 15 days' supply, in the case of all-rail receivers, and 25 days' supply in the case of lake, river or tidewater receivers: *Provided*, That no shipments shall be made in excess of that required to maintain the days' supply herein permitted.

Retail Dealers and Commercial Dock Operators

4. Retail dealers and commercial dock operators shall first make deliveries to the categories listed in the preference group set forth in paragraph numbered 1 to the extent permitted by that paragraph, and for domestic use in any dwelling or apartment which has less than a 15 days' supply: *Provided*, Any such delivery to a dwelling or apartment shall not exceed 15 days' supply or a minimum truck or wagon load.

5. After arranging for deliveries on the orders of the preference group set forth in paragraph numbered 1 above, deliveries may be made to others who have less than 15 days' supply: *Provided*, That no deliveries shall be made in excess of that required to maintain the days' supply herein permitted.

Receipts and Deliveries of Domestic Coke

6. The limitations above prescribed for shipments, deliveries and receipts of bituminous coal are applicable to shipments, deliveries and receipts of domestic coke.

Computation of Days' Supply

7. Days' supply for eligibility to receive bituminous coal or coke, shall be determined by taking into account the supply of all solid fuels including anthracite, bituminous coal, domestic coke, briquettes, and processed fuels, which the receiver has on hand.

Prohibition Against Storing Coal in Vessels

8. No person shall dump or load, or order or direct the dumping or loading of bituminous coal into any vessel on the Great Lakes for winter storage.

Release of Previously Held Coal

9. All coal held under previous Notices of Direction at tidewater ports or other points where diversion cannot be made without a back haul, and which was destined for export may be exported. All coal held under previous Notices of Direction at tidewater ports and at other points, except that described in the preceding sentence, may be shipped only in conformity with the provisions of this interim direction.

Unlawful Receipts and Confiscations

10. No person, including any railroad company, shall receive, except in conformance with this interim direction or any specific direction of SFAW, or shall confiscate any coal on track or in transit.

Revocation of Certain Notices of Direction

11. Notices of Direction Nos. 3, 4, and 5, issued November 16, 1946, Notices of Direction Nos. 6 and 7, issued November 21, 1946, Notice of Direction No. 8, issued December 3, 1946, Notice of Direction No. 9, issued December 6, 1946, and all statements, interpretations and exceptions relating to such Notices of Direction, are hereby revoked.

Applications for Exceptions

12. Applications for exceptions from the provisions of this interim direction shall be filed with the Solid Fuels Administration for War, Washington 25, D. C., and a copy thereof with the appropriate Area Distribution Manager. Applications shall set forth the grounds for the requested relief and detailed information supporting the request.

Non-liability for Damages

13. No person shall be held liable for damages or penalties under and contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

Definitions

14. Words used in this Notice of Interim Direction shall have the same meaning as in former SFAW Regulations Nos. 27, 28 and 29 and in SFAW Revised Regulation No. 32, as amended.

15. This Notice of Interim Direction shall take effect immediately and shall remain in force until further notice.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827 and 59 Stat. 658; 41 U. S. C. sec. 1, note, 50 U. S. C. App. Sup. 1152, 633, 632a; E. O. 9125, Apr. 7, 1942, 7 F. R. 2719, E. O. 9332, Apr. 19, 1943, 8 F. R. 5355)

Issued this 8th day of December 1946.

J. A. KRUG,

Solid Fuels Administrator for War.

[F. R. Doc. 46-21411; Filed, Dec. 9, 1946; 11:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-84, as Amended Dec. 9, 1946]

MANILA (ABACA) AND AGAVE FIBER AND CORDAGE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of manila and agave and products made from them for defense for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 3290.221 *Conservation Order M-84—(a) Restrictions on Manila—(1) Processing.* No processor may put into process any spinnable Manila fiber or yarn except to make rope for end uses permitted in Schedule A. Allocations will be made under paragraph (f) (2). Non-spinnable fiber may be used for any purpose unless obtained by allocations for particular uses under paragraph (f) (4).

(2) *Processors' inventories.* No processor may accept delivery of any spinnable Manila fiber, or yarn made from such fiber, if his inventory of spinnable Manila fiber will be more than the amount he needs during the next 120 days, on the basis of his current or scheduled method and rate of operation, and for making only those products permitted under this order.

(3) *Importers' and dealers' inventories.* No person, other than a processor or the Reconstruction Finance Corporation, may accept delivery of any spinnable Manila fiber if his inventory of such fiber held for resale will be more than the amount he would normally stock up in the ordinary course of his business to meet reasonably anticipated requirements, while continuing to dispose of such inventory as promptly as practicable in view of the orders received by him from persons permitted to accept deliveries under this order. If a person imports or buys fiber both for resale and for processing on his own facilities, and keeps separate inventory records of the fiber held for each purpose, his inventory held for resale shall be governed by this rule instead of that in paragraph (a) (2); but if he does not keep separate inventory records, his inventory shall be governed by the rule in (a) (2).

(4) *Other inventory rules.* The limitations in paragraphs (a) (2) and (a) (3) above apply to deliveries and inventories within the continental United States only. Material which is being imported, but has not been released from United States Customs, is not to be considered as in inventory. The rules in Priorities Regulation 32 remain appli-

cable, except to the extent inconsistent with this order.

(b) *Restrictions on agave.* No processor may put into process any agave fiber or yarn except to make twines permitted in Schedule B rope and binder and baler twine, as specifically authorized in writing by the Civilian Production Administration. Allocations of agave for rope and twines permitted on Schedule B are made under paragraph (f) (2) and allocations for binder and baler twine under paragraph (f) (3).

(c) *Further restrictions on processing.* (1) The Civilian Production Administration may issue specific directions to processors who have received manila or agave, by allocation under this order or any other Civilian Production Administration order or by delivery from any United States Government agency, as to the extension of more critical fibers by mixture with less critical ones (i. e. use of "extenders") in the manufacture of any product permitted in paragraphs (a) and (b) above.

(2) The Civilian Production Administration may from time to time issue specific instructions regarding the percentage of extender to be used in the manufacture of agave sisalana rope.

(d) *Restrictions on delivery of rope and twine.* (1) No processor or dealer may sell, deliver, or accept delivery of new rope or new twine, produced in the United States in whole or in part from manila or agave fiber or yarn, for end uses for which the product may not be manufactured under this order.

(2) No person may sell or deliver new binder or new baler twine if he knows or has reason to believe that:

(i) The binder twine will not be used with mechanical harvesting equipment or in the growing, harvesting or delivering of agricultural crops, or that the binder twine will be converted into rope or any other product.

(ii) The baler twine will not be used in a self-tying machine for baling hay, straw or other fodder crops.

(3) No person may use new binder or new baler twine to manufacture rope for sale.

(4) [Deleted Feb. 5, 1946]

(e) [Deleted Mar. 22, 1946.]

(f) *Allocation of fiber.* (1) No processor shall make or accept delivery of any manila or agave fiber contrary to directions which from time to time the Civilian Production Administration may issue. The Civilian Production Administration may from time to time allocate to processors the available supplies of manila and agave fiber and specifically direct the time, manner, and quantities in which deliveries to processors shall be made or withheld.

(2) In general allocations of spinnable manila or agave fiber for rope and products permitted in Schedule B to individual processors will be made upon the following basis: the aggregate allocation of manila and agave fibers to each processor will be in proportion to his average monthly sales of both types of rope during the period January 1, 1939 through December 31, 1941; the manila fiber allocated to each processor for rope will be in proportion to his average

monthly sales of manila rope during the period January 1 through December 31, 1939; and the agave fiber allocated to each processor will be in proportion to his aggregate allocation for both fibers, less that for manila. A manufacturer who was not in the hard fiber cordage business during 1939-40-41 may apply to the Civilian Production Administration, Textile Division, Washington 25, D. C., for an allocation. The application should be filed by letter stating the quantity of fiber desired, and should include a statement of the facilities available for the manufacture of cordage products, as permitted under Order M-84, the maximum poundage of fiber which can be processed with his facilities on the basis of a 40-hour week, and the minimum poundage of fiber needed for economical operation during a three-month period. Applications from new manufacturers will be considered on an equitable basis in view of the allocations given to other manufacturers.

(3) Allocations of agave fiber for binder twine and baler twine will be prorated among processors on the basis of information previously filed with the War Production Board and Civilian Production Administration as to productive capacity method and rate of operation.

(4) Allocations of Manila, other than spinnable, will in general be made to processors of specialty paper on an equitable basis taking into consideration prior use, facilities and other relevant factors. "Specialty paper" includes but is not limited to stencil base tissue, sausage casings paper, electrolytic condenser paper, gasket paper, and artificial leather. Applications should be made by letter to the Civilian Production Administration, Attention: Textile Division, and state the quantity of fiber desired, the products to be made from it, and the quantity used during 1945 and the first half of 1946. A processor who did not use this material during the whole period should, in addition, state his facilities available for processing Manila other than spinnable.

(g) *End use information.* No person may sell or deliver any product controlled by this order to any person who he knows or has reason to believe will use the product in a manner which this order does not permit. He should satisfy himself as to this in some reasonable manner before delivering. He may, but need not, require a statement in writing showing the specific purpose or use for which the item is ordered.

(h) *Restrictions on the use of damaged material.* Any processor or dealer who has in his possession damaged or defective manila or agave fiber or cordage, may report by letter the extent of the damage and state to the Civilian Production Administration the percentage not suitable for the manufacture of products or for use permitted by this order. He may then upon receipt of acknowledgment, without objection from the Civilian Production Administration, use or dispose of any portion unsuitable for the manufacture of products permitted by this order, free from its restrictions.

(i) *Reports.* (1) Processors of manila and agave fiber shall report monthly on CPA-2901, sections 1 and 2.

(2) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Imports.* The importation of material or products covered by this order shall be made in conformity with the provisions of General Imports Order M-63, as amended from time to time.

(k) *Definitions.* In this order:

(1) "Manila" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp wherever grown (either stripped or decorticated), but does not mean processor's mill waste or bagasse. "Spinnable Manila" means Manila which is spinnable over machinery but does not mean the fiber grades of T2, T3, O and Y or equivalent as established by the Insular Government of the Philippine Islands.

(2) "Agave" means fiber, spinnable over machinery of the species agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow and fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala, and maguey, and sometimes preceded by an adjective designating the country or district of origin, but does not include processor's mill waste or bagasse.

(3) "Rope" means any rope or cable, treated or untreated, composed of three or more strands each strand composed of two or more yarns, and not less than 10 percent cordage lubricant (excluding tent and awning rope), but does not include strings and twines of whatever construction which are commonly used for tying, sewing, baling or other commercial packaging use.

(4) "Twine" means any single or plied yarn or roving, including marlin, for use as a tying material, for sewing or for any similar purpose, but does not include any product falling within the definition of "rope", "binder twine" or "baler twine."

(5) "Binder twine" means a single yarn twine usually containing agave, but sometimes containing manila, istle, jute, coir, hemp, cotton or paper, suitable for use in a harvesting machine and of the type customarily heretofore manufactured. It is put up in balls of approximately five to eight pounds, packed six to ten to the bale. It measures five hundred feet to the pound with a plus or minus tolerance of five per cent, and contains a lubricant of at least ten per cent of the weight of the twine and an insect repellent. It is also known as binding twine.

(6) "Baler twine" means a single yarn usually made of agave fiber and used in a self-tying machine for baling hay, straw or other fodder crops.

(7) "Processor" means any person (other than a United States Government agency) who spins, twists or otherwise uses any fiber or yarn in the manufacture of rope or twine, or who uses manila or agave fiber in the manufacture of any other product.

(8) [Deleted Feb. 5, 1946.]

(9) [Redesignated Oct. 3, 1946.]

(10) [Deleted Mar. 22, 1946.]

(l) *Appeals.* Any appeal from the provisions of this order should be made

by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Applicability of regulations.* Except as specifically otherwise provided this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the Civilian Production Administration as amended from time to time.

(n) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may

be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Civilian Production Administration.

(o) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Textile Division, Civilian Production Administration, Washington 25, D. C., Ref.: M-84.

(p) [Deleted July 15, 1946.]

Issued this 9th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A—MANILA CORDAGE END USE

This list specifies the permitted end uses for which rope may be manufactured from manila. It does not, however, restrict manufacture for and delivery to the Army, Navy and Maritime Commission.

Fibers other than manila may be used in the manufacture of rope for any end use subject to applicable provisions of any Civilian Production Administration order dealing specifically with such fibers.

End use	Definition
Auxiliary line-Lyle gun	A 3" circ. hawser-drawn to or from a vessel by means of a whip line and which is used to support a breeches buoy.
Cracker	A short length of fiber drilling cable used in conjunction with a wire drilling cable affording spring or elasticity to the wire line.
Drilling cables-oil, water and gas wells	Used for operating the tools in "cable tool" drilling.
Falls-Ammunition	The hoisting rope used to raise and lower ammunition.
Falls-Lifeboat	A rope used generally in conjunction with a pair of davits, used to raise or lower lifeboats.
Falls-Purse boat	A pair of tackles suspended from davits used to raise and lower the purse boats and seine which weigh about 5 tons.
Falls-Powder tank	Used in handling powder tanks (lowering and hoisting).
Life line	See auxiliary line-Lyle gun.
Manila rope 5/8" diam (2" cir.) and larger	Any use.
Purse line	A line rove through rings attached to the bottom of a seine. By hauling on this line the bottom of the net is closed or pursed.
Shot lines-Lyle guns	Soft laid rope used in connection with Lyle guns for rescue work on disabled ships.
Torpedo lines-Oil well	Approximately 1/4" diam. rope used to lower explosives into oil or gas well preparatory to "shooting" the well.

SCHEDULE B—AGAVE TWINE END USE

This list specifies the permitted end uses for which twine may be manufactured from agave. The use of agave fiber for the manufacture of binder and baler twine will be authorized as stated in paragraph (b).

End use	Definition
Hanging twine—Hard and soft fiber nets	Twine used to hang hard and soft fiber nets to lines.
Heading twine	See Marline-Lobster.
Marline-Lobster	A twine required in the manufacture of the inside tunnels of lobster pots.
Net twine-Otter trawls	A hard laid twine, usually 2, 3, or 4 ply in sizes from #600 to #1355 used for the manufacture of hard fiber fishing nets. Also for mending nets.
Wrapping and tying twine	Single yarn used as twine, or plied twine twisted or laid used for tying, packaging, baling or bundling. Only agave tow in hands of processor on March 22, 1946, with or without admixture of other fibers may be used.

PART 3294—IRON & STEEL PRODUCTION

[General Preference Order M-21, Direction 17]

EMERGENCY RESTRICTIONS ON DELIVERY OF BITUMINOUS COKE

The following direction is issued pursuant to M-21:

(a) *What this direction does.* The general work stoppage at bituminous coal mines has created a critical shortage in the supply of coke made from bituminous coal. In order to conserve the supply of bituminous coke which is essential to the continued operation of manufactured and mixed gas utilities and for other highly critical purposes, this direction places restrictions on all deliveries of bituminous coke, with certain exceptions which are noted in paragraph (d).

(b) *Restrictions on deliveries.* (1) No producer of, or dealer in, bituminous coke shall deliver any bituminous coke to any person except the following:

(i) Users of coke for public sanitary services, or for the production of gas for public use;

(ii) Food processing plants (including milk plants, dairies and commercial bakeries), refrigeration plants, or producers of dry ice;

(iii) Wholesale or retail coke dealers;

(iv) Persons who furnish the seller a certification, in writing, signed manually or as provided in Priorities Regulation 7 in substantially the following form:

The undersigned certifies to the seller and the Civilian Production Administration, subject to the penalties of Section 35A of the U. S. Criminal Code, that the coke which he obtains with this certification is required to prevent irreparable damage to industrial facilities.

(v) Persons who have been specifically authorized in writing by the Civilian Production Administration. In general, such authorizations will be granted only in cases of public emergency. Applications for authorization to accept delivery of bituminous coke under this subparagraph may be made by letter, in duplicate, addressed to Civilian Production Administration, Washington 25, D. C., Reference M-21, Direction 17, and should outline fully the nature of the emergency and the quantity of bituminous coke required.

(2) No person, other than those described in paragraphs (b) (1) (i) through (b) (1) (v), shall accept delivery of any bituminous coke from a producer or dealer.

(c) *Intracompany deliveries.* The restrictions of paragraph (b) apply not only to all deliveries by producers and dealers to other persons, including affiliates and subsidiaries, regardless of when the coke was produced, but also, in the case of coke produced after December 6, 1946, to deliveries from the producing branch, division, or section of an enterprise which makes bituminous coke for its own uses, to another branch, division, or section of the same enterprise. However, in the case of such an integrated producer, if he does not have any orders for bituminous coke from persons of the type described in paragraphs (b) (1) (i) through (b) (1) (v), he may continue to use the coke for other purposes, but must promptly notify the Civilian Production Administration of the quantity and character of the coke which he has on hand and expects to be able to produce during the next 30 days.

(d) *Exceptions.* This direction does not apply to the delivery of pea size or smaller coke (including coke breeze) or to any coke which is in transit on December 6, 1946. Also it does not apply to the delivery of coke to any person who acquires it for space heating, domestic hot water, or domestic cooking. Delivery of coke for these purposes is subject to any applicable orders or regulations of the Solid Fuels Administrator for War.

NOTE: The Reporting Provisions of this direction have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 6th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21397; Filed, Dec. 6, 1946;
4:42 p. m.]

PART 3294—IRON AND STEEL PRODUCTION

[General Preference Order M-21, Direction 16]

EMERGENCY DISTRIBUTION OF IRON AND STEEL

The following direction is issued pursuant to M-21:

(a) *What this direction does.* The general work stoppages at bituminous coal mines will cause an immediate and drastic curtailment in supplies of iron and steel. Preference ratings and directives already issued for those materials did not take into account the greatly reduced supply. Since it is desired that producers' and warehouses' stocks be available to fill urgent orders during the emergency, this direction limits the amount of rated orders or orders covered by directives issued by CPA before December 9, 1946, which iron and steel producers are required to schedule for delivery after December 31, 1946. It also permits warehouses to reject certain large orders for steel where delivery of the orders would seriously impair the warehouses' function in the distribution of steel. Preference ratings will no longer be issued under paragraphs (e) (1), (f), (g) (1), (h) (except in case of public emergency), or (i) of Priorities Regulation 28 for items of iron and steel during this period of emergency. As used in this direction "iron and steel" means only those materials in the product classifications listed in Schedule I to General Preference Order M-21.

(b) *Scheduling of rated orders by producers.* No producer of iron and steel is required to schedule more than 25% of his total anticipated monthly production of any product classification of iron or steel for delivery after December 31, 1946 to fill rated orders or orders covered by directives issued by CPA before December 9, 1946. If a producer is unable to fill all of his rated orders calling for delivery in a given month out of this 25%, he should, so far as is practicable consistent with the maintenance of maximum production, reduce his deliveries on all rated orders (except those rated AAA) on an equitable basis regardless of the rating on the orders, or the date he received them. Any balance of a rated order remaining unshipped at the end of a given month should be carried over into the next month, and be treated as a rated order for that unshipped balance, calling for delivery in that month. This paragraph is an exception to the rules in Priorities Regulation 1. However, it does not apply to orders bearing a rating of AAA, certified as having been issued by CPA on or after December 9, 1946, or to orders covered by a written directive issued by CPA on or after December 9, 1946.

(c) *Refusal of orders by warehouses.* No warehouse need accept or fill any order or orders (whether rated or unrated) calling for delivery of more than 10,000 pounds of steel in any one product classification, in any month to any one person at any one destination if doing so would deplete his stocks to the point where his function in the distribution of steel would be seriously impaired.

Issued this 9th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21430; Filed, Dec. 9, 1946;
11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in Miami Area,¹ Amdt. 23 (§ 1388.1400)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN MIAMI AREA

Section 1 (b) (7) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area is amended to read as follows:

(7) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 15, 1943, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however,* That the Area Rent Director may by order extend the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to Accompany Amendment 101 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 30 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 23 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

Amendment 94 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and Amendment 21 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area exempted from the provisions of those regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of

¹ 10 F. R. 318, 2405, 5090, 9445, 11071, 15212; 11 F. R. 4015, 5951, 6139, 8164, 10510.

two weeks during the period between June 1, 1946 and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945 and 1946 rooms in hotels and rooming houses which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such accommodations beginning on June 1, 1947 and ending on September 30, 1947. If accommodations were rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944, they are not exempt under the amendment. This exemption is not applicable to rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

By amendment 28 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area the Administrator recognized as a ground for adjustment in the maximum rents otherwise allowable, substantial approved increases in wages to employees in all categories in case of any hotel or other establishment under that regulation having more than fifty rooms. By this amendment the Administrator eliminates from the regulation the requirement that increases in hotel wages in the New York Area must have been approved by the Wage Stabilization Board.

This amendment also extends the period for filing the required petitions for adjustment under this ground, allowing the establishments to apply for relief prior to February 1, 1947.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21392; Filed, Dec. 6, 1946;
4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts,¹ Amdt. 101 (§ 1388.1231)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS

Section 1 (b) (7) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts is amended to read as follows:

¹ 11 F. R. 13032, 13056, 13305.

(a) *Summer resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944 which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1947 to September 30, 1947, inclusive, and shall not apply to rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

(b) *Winter resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of the regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946; *Provided, however,* That the Area Rent Director may by order extend the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to Accompany Amendment 101 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 30 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 23 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

Amendment 94 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and Amendment 21 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area exempted from the provisions of those regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the period between June 1, 1946 and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945 and 1946 rooms in hotels and rooming houses which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such accommodations beginning on June 1, 1947 and ending on September 30, 1947. If accommodations were rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944,

they are not exempt under the amendment. This exemption is not applicable to rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

By Amendment 28 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area the Administrator recognized as a ground for adjustment in the maximum rents otherwise allowable, substantial approved increases in wages to employees in all categories in case of any hotel or other establishment under that regulation having more than fifty rooms. By this amendment the Administrator eliminates from the regulation the requirement that increases in hotel wages in the New York Area must have been approved by the Wage Stabilization Board.

This amendment also extends the period for filing the required petitions for adjustment under this ground, allowing the establishments to apply for relief prior to February 1, 1947.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21390; Filed, Dec. 6, 1946; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, New York City Area; Amdt. 30 (§ 1388.1409)]

TRANSIENT HOTELS, RESIDENTIAL HOTELS, ROOMING HOUSES AND MOTOR COURTS IN NEW YORK CITY AREA

The Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (7) is amended to read as follows:

(7) *Resort housing.* Rooms located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1947 to September 30, 1947, inclusive.

2. Section 5 (g) is amended to read as follows:

¹ 11 F. R. 4025, 5951, 5823, 8164, 10529, 12948.

(g) *Required increases of maximum rents.* The Administrator shall grant an increase in the maximum rents otherwise allowable to any transient or residential hotel which has incurred substantial wage increases between January 1, 1946 and September 18, 1946, and whose adjusted operating position for the calendar year 1945 is less favorable than his operating position for the average of any two successive years 1939 to 1942, inclusive.

The amount of the increase granted shall be the lesser of the following: (1) the difference between the adjusted operating position for the calendar year 1945 and the operating position for the average of the two successive calendar years 1939 to 1942, inclusive, chosen by the landlord, or (2) the allowance for wage increases used in determining the adjusted operating position for the calendar year 1945.

Any landlord entitled to an increase in the maximum rent otherwise allowable in accordance with the provisions of this paragraph (g) shall file a petition therefor on Form No. D-86 (Petition for Hotel Rate Increases—section 5 (g) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts) prior to February 1, 1947.

For the purpose of this paragraph (g), the terms:

(1) "Operating position" means the dollar amount determined by subtracting admissible expenses from total departmental sales, income and store rentals.

(2) "Admissible expenses" means all expenses actually paid or accrued and necessary for the operation of the property including cost of sales, salaries (exclusive of officers' salaries) and wages, direct expenses of operated departments, repair and maintenance, heat, light and power, general administration, insurance and taxes (exclusive of income taxes) but excluding rent, interest, depreciation, trustees' fees and expenses, amortization of leaseholds, leasehold improvements, bond discount and expense, and any extraordinary expenses not applicable to regular hotel operations.

(3) "Adjusted operating position for the calendar year 1945" means the operating position as defined above for the calendar year 1945 after allowing for increases in pay roll by reason of wage increases, except those directly charged to the operation of the food and beverage departments.

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to Accompany Amendment 101 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts; Amendment 30 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area; Amendment 23 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area

Amendment 94 to the Rent Regulation for Transient Hotels, Residential Hotels,

Rooming Houses and Motor Courts and Amendment 21 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the Miami Defense-Rental Area exempted from the provisions of those regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to rooms otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the period between June 1, 1946 and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945 and 1946 rooms in hotels and rooming houses which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such accommodations beginning on June 1, 1947 and ending on September 30, 1947. If accommodations were rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944, they are not exempt under the amendment. This exemption is not applicable to rooms in the Los Angeles Defense-Rental Area and in the Santa Cruz Defense-Rental Area.

By Amendment 28 to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts in the New York City Defense-Rental Area the Administrator recognized as a ground for adjustment in the maximum rents otherwise allowable, substantial approved increases in wages to employees in all categories in case of any hotel or other establishment under that regulation having more than fifty rooms. By this amendment the Administrator eliminates from the regulation the requirement that increases in hotel wages in the New York Area must have been approved by the Wage Stabilization Board.

This amendment also extends the period for filing the required petitions for adjustment under this ground, allowing the establishments to apply for relief prior to February 1, 1947.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21391; Filed, Dec. 6, 1946; 4:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Housing, Amdt. 108 (§ 1388.1181)]

HOUSING

The Rent Regulation for Housing is amended in the following respects:

1. Section 1 (b) (6) is amended to read as follows:

(6) *Resort housing*—(a) *Summer resort housing*. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1947, to September 30, 1947, inclusive, and shall not apply to housing accommodations in the Los Angeles Defense-Rental Area, and in the Santa Cruz Defense-Rental Area.

(b) *Winter resort housing*. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to the effective date of the regulation in the area, which were not rented during any portion of the period beginning on June 1, 1946, and ending on September 30, 1946: *Provided, however*, That the Area Rent Director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

2. Section 1 (b) (7) is added to read as follows:

(7) *Structures in which individual rooms are exempt*. Entire structures or premises in which all of the individual rooms rented or offered for rent are exempt under section 1 (b) (6).

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to Accompany Amendment 108 to the Rent Regulation for Housing; Amendment 32 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area; and Amendment 28 to the Rent Regulation for Housing in the Miami Defense-Rental Area

Amendment 100 to the Rent Regulation for Housing and Amendment 25 to the Rent Regulation for Housing in the Miami Defense-Rental Area exempted from the provisions of those regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to accommodations otherwise qualified which were rented or offered for rent for a period of not in

excess of two weeks during the period between June 1, 1946 and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945, and 1946, accommodations which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such housing accommodations beginning on June 1, 1947 and ending on September 30, 1947. If housing accommodations were rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944, they are not exempt under the amendment. This exemption is not applicable to housing accommodations in the Los Angeles Defense-Rental Area, and in the Santa Cruz Defense-Rental Area.

Also by these amendments the Administrator exempts from the regulations underlying leases to structures or premises containing less than twenty-five rooms, where all of the individual rooms rented or offered for rent are subject to the seasonal exemptions provided by the regulations.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21395; Filed, Dec. 6, 1946; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area, Amdt. 24 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY

The Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (6) is amended to read as follows:

(6) *Resort housing*. Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1947 to September 30, 1947, inclusive.

2. Section 1 (b) (8) is added to read as follows:

¹ 11 F. R. 12084.

¹ 11 F. R. 12055, 13028, 13309.

(8) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual rooms rented or offered for rent are exempt under section 1 (b) (6).

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to Accompany Amendment 108 to the Rent Regulation for Housing; Amendment 32 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area; and Amendment 28 to the Rent Regulation for Housing in the Miami Defense-Rental Area

Amendment 100 to the Rent Regulation for Housing and Amendment 25 to the Rent Regulation for Housing in the Miami Defense-Rental Area exempted from the provisions of those regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the period between June 1, 1946, and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945, and 1946, accommodations which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such housing accommodations beginning on June 1, 1947, and ending on September 30, 1947. If housing accommodations were rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944, they are not exempt under the amendment. This exemption is not applicable to housing accommodations in the Los Angeles Defense-Rental Area, and in the Santa Cruz Defense-Rental Area.

Also by these amendments the Administrator exempts from the regulations underlying leases to structures or premises containing less than twenty-five rooms, where all of the individual rooms rented or offered for rent are subject to the seasonal exemptions provided by the regulations.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circum-

vention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21393; Filed, Dec. 6, 1946; 4:04 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,¹ Amdt. 32 (§ 1388.1281)]

HOUSING IN NEW YORK CITY AREA

The Rent Regulation for Housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (6) (i) is amended to read as follows:

(6) *Resort housing*—(i) *Exemption.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to October 1, 1944, which were not rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944.

This exemption shall be effective only from June 1, 1947, to September 30, 1947, inclusive.

2. Section 1 (b) (7) is added to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual rooms rented or offered for rent are exempt under section 1 (b) (6).

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to accompany Amendment 108 to the Rent Regulation for Housing; Amendment 32 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area; and Amendment 28 to the Rent Regulation for Housing in the Miami Defense-Rental Area

Amendment 100 to the Rent Regulation for Housing and Amendment 25 to the Rent Regulation for Housing in the Miami Defense-Rental Area exempted from the provisions of those regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the period between June 1, 1946 and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945, and 1946, accommodations which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such housing accommodations beginning on June 1, 1947 and ending on September 30, 1947. If housing accommodations were

¹ 11 F. R. 4016, 4583, 5542, 5824, 8149, 8163, 10659, 12094.

rented during any portion of the period beginning on November 1, 1943 and ending on February 29, 1944, they are not exempt under the amendment. This exemption is not applicable to housing accommodations in the Los Angeles Defense-Rental Area, and in the Santa Cruz Defense-Rental Area.

Also by these amendments the Administrator exempts from the regulations underlying leases to structures or premises containing less than twenty-five rooms, where all of the individual rooms rented or offered for rent are subject to the seasonal exemptions provided by the regulations.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21394; Filed, Dec. 6, 1946; 4:04 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3,¹ Amdt. 32]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 13.1 (a) (4) is amended to read as follows:

(4) Department of Agriculture or its designated agents.

2. Section 14.2 (a) is amended by deleting the words "Food Distribution Administration" and inserting in place thereof the words "Department of Agriculture."

This amendment shall become effective December 14, 1946.

Issued this 9th day of December 1946.

PAUL A. PORTER,
Administrator.

Rationale Accompanying Amendment No. 32 to Third Revised Ration Order 3

Upon the termination of the Food Distribution Administration, its remaining functions and activities were absorbed by the Department of Agriculture. This amendment provides for the substitution of the Department of Agriculture for the Food Distribution Administration in those cases where the Depart-

¹ 11 F. R. 177.

ment of Agriculture carries on the activities of the Food Distribution Administration as a "designated" and "exempt" agency.

[F. R. Doc. 46-21431; Filed, Dec. 9, 1946; 11:27 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area, Amdt. 28
(§ 1388.1341)]

HOUSING IN MIAMI AREA

The Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (6) is amended to read as follows:

(6) *Winter resort housing.* Housing accommodations located in a resort community and customarily rented or occupied on a seasonal basis prior to November 1, 1943, which were not rented during any portion of the period beginning on June 1, 1946 and ending on September 30, 1946; *Provided, however,* That the area rent director may by order extend the above exemption to housing accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the above period.

This exemption shall be effective only from October 1, 1946, to May 31, 1947, inclusive.

2. Section 1 (b) (7) is added to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual rooms rented or offered for rent are exempt under section 1 (b) (6).

Issued and effective December 6, 1946.

PAUL A. PORTER,
Administrator.

Statement to Accompany Amendment 108 to the Rent Regulation for Housing; Amendment 32 to the Rent Regulation for Housing in the New York City Defense-Rental Area; Amendment 24 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area; and Amendment 28 to the Rent Regulation for Housing in the Miami Defense-Rental Area

Amendment 100 to the Rent Regulation for Housing and Amendment 25 to the Rent Regulation for Housing in the Miami Defense-Rental Area exempted from the provisions of these regulations, during the winter season strictly seasonal accommodations not rented during the summer of 1946. By these amendments the Administrator authorizes the Area Rent Directors to extend by order the above exemption to accommodations otherwise qualified which were rented or offered for rent for a period of not in excess of two weeks during the period between June 1, 1946, and September 30, 1946.

By previous actions the Administrator exempted from the regulations during the summer seasons of 1943, 1944, 1945,

and 1946, accommodations which are purely seasonal in character. The Administrator has decided that it is proper to provide an exemption for such housing accommodations beginning on June 1, 1947, and ending on September 30, 1947. If housing accommodations were rented during any portion of the period beginning on November 1, 1943, and ending on February 29, 1944, they are not exempt under the amendment. This exemption is not applicable to housing accommodations in the Los Angeles Defense-Rental Area, and in the Santa Cruz Defense-Rental Area.

Also by these amendments the Administrator exempts from the regulations underlying leases to structures or premises containing less than twenty-five rooms, where all of the individual rooms rented or offered for rent are subject to the seasonal exemptions provided by the regulations.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, and provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 46-21396; Filed, Dec. 6, 1946; 4:04 p. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 8—CARRYING AND KEEPING OF ARMS; HUNTING; FISHING

MISCELLANEOUS AMENDMENTS

The regulations governing the carrying and keeping of arms and hunting and fishing in the Canal Zone, as amended (35 CFR Cum. Supp., 8.1 to 8.57), are hereby further amended as follows:

1. Section 8.9 is amended to read as follows:

§ 8.9 *Areas wherein hunting or use of firearms is prohibited.* Hunting or the use of firearms is prohibited:

- (a) Within any townsite;
- (b) Within the Palo Seco Leper Colony;
- (c) Within areas designated as playgrounds, such as Far Fan Beach;
- (d) Within any areas specifically posted by proper authority against trespassing, such as cattle pastures, military reservations, Barro Colorado Island, watersheds, land licensed to settlers, etc.;
- (e) On any watershed directly tributary to a reservoir or the intake to a reservoir used for the water supply of any community;

(f) Within 100 yards of any of the following: (1) The limits of any townsite; (2) any railroad or metalled road; (3) the nearest prism line of the Canal channel; (4) any part of Gatun Dam. (47 Stat. 573, 48 Stat. 1122; 5 C. Z. Code 873-875)

2. Section 8.52 is amended to read as follows:

§ 8.52 *Fishing at and below Gatun Spillway permitted conditionally.* Fishing at the Gatun Spillway and in the Chagres River within 500 yards below the Spillway apron will be permitted only when the following regulations are complied with:

- (a) Fishing without pass is prohibited.
- (b) Fishing will be permitted only with a rod and reel. The use of hand lines, spears, nets, seines, explosives, or other means is prohibited, excepting that nets and seines may be used for the purpose of obtaining bait only.
- (c) Fishing above the railway bridge, from the walls or apron of the spillway, is prohibited.
- (d) Fishing from the wall of the spillway below the railway bridge, is prohibited, except from behind rail fence.
- (e) Two or more adults, who are capable swimmers, will be permitted to fish from the spillway apron, or off shore when standing in the waters of the Chagres River, only when wearing cleated fishing shoes, shorts, and a life preserver, either ring or vest type.
- (f) Fishing alone from the spillway apron, or off shore when standing in the waters of the Chagres River is prohibited.

3. Section 8.53 is amended to read as follows:

§ 8.53 *Fishing at and below Madden Dam and appurtenances.* Fishing from any part of Madden Dam and its appurtenances is prohibited. Fishing below Madden Dam will be permitted only when the following regulations are complied with:

- (a) Fishing without a pass is prohibited.
- (b) Entrance into the area above the lower edge of the concrete apron and a line connecting the apron and the power station fence is prohibited.
- (c) Fishermen shall notify the guard at the north or south entrance of the dam of their arrival and departure and shall respond promptly to any challenge by the guards.

4. Section 8.56 is amended to read as follows:

§ 8.56 *Passes for fishing at or below Gatun Spillway and Madden Dam.* Passes for fishing at or below Gatun Spillway and Madden Dam shall be issued by the Executive Secretary or such person as may be designated by him, on written application accompanied by two photographs of the applicant. Passes issued to minors under the age of 15 years shall be valid only when the minor is accompanied by a responsible adult.

5. A new section numbered § 8.56a is added immediately following § 8.56, reading as follows:

§ 8.56a *Warning of spilling at Gatun Spillway and at Madden Dam.* Fisher-

men will be warned of spilling operations at Madden Dam and at Gatun Spillway by two siren blasts of 30 seconds each separated by an interval of ten seconds 15 minutes prior to the beginning of spilling operations. All persons below Madden Dam and Gatun Spillway when such warning signal is sounded shall immediately leave the channel for high ground.

(37 Stat. 561, 564, 47 Stat. 814, 48 Stat. 1122; 2 C. Z. Code 5, 7; 48 U. S. C. 1305)

J. C. MEHAFFEY,
Governor.

NOVEMBER 22, 1946.

[F. R. Doc. 46-21318; Filed, Dec. 9, 1946;
8:46 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 11—FOREIGN QUARANTINE

SUBPART K—AIR COMMERCE REGULATIONS

The following contains all provisions of the Air Commerce Regulations of August 28, 1941, and all provisions of amendments thereto which relate to or are enforceable by the U. S. Public Health Service. This document is issued as and hereby becomes Subpart K of the Foreign Quarantine Regulations. Subparts A to J of this part promulgated May 27, 1946, appear at 11 F. R. 5827.

Sec.

- 11.501 Regulation and supervision.
- 11.502 Scope and definitions.
- 11.503 Landing requirements.
- 11.504 Entry and clearance.
- 11.505 Entry of aircraft of scheduled air lines.
- 11.506 Clearance of aircraft of scheduled air lines.
- 11.507 Documents.
- 11.508 Documents for entry.
- 11.509 Documents for clearance.
- 11.510 Omission of lists of aliens employed on board aircraft.
- 11.511 Residue cargo; customs.
- 11.512 General provisions; customs.
- 11.513 Public health requirements.
- 11.514 General provisions; entry and clearance.
- 11.515 Penalties.
- 11.516 Airports of entry; regulations.

AUTHORITY: §§ 11.501 to 11.516, inclusive, issued under R. S. 161, 251, sec. 644, 46 Stat. 761, sec. 7, 44 Stat. 572, secs. 367, 602, 58 Stat. 706, 712, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 49 U. S. C. 177, 42 U. S. C. Sup. IV, 201 note, 270, 8 U. S. C. 102, 222. Sec. 1, President's Reorganization Plan No. V; 5 F. R. 2132, 2223. Sec. 102, Reorganization Plan No. 3 of 1946; 11 F. R. 7875.

§ 11.501 *Regulation and supervision.* Sections 11.501 to 11.516, inclusive, are prescribed by the Secretary of the Treasury, the Commissioner of Customs, the Surgeon General of the Public Health

Service with the approval of the Federal Security Administrator, and the Attorney General, within their respective authorities, under the Air Commerce Act of 1926, as amended, sections 7 (b), (c), (d), 9 (b), and 11 (b) and (c) (44 Stat. 572; 49 U. S. C. 177 (b), (c), (d), 179 (b), 181 (b), (c)); the Tariff Act of 1930, section 644 (46 Stat. 761; 19 U. S. C. 1644); the Public Health Service Act, sections 215, 361-369 (58 Stat. 690, 703-706; 42 U. S. C., Sup., 216, 264-272); Reorganization Plan No. 3 of 1946, section 102 (11 F. R. 7875); and Reorganization Plan No. V of the President, section 1 (3 CFR Cum. Supp., Ch. IV).

§ 11.502 *Scope and definitions.* For the purposes of the regulations contained in this part:

(a) Every paragraph and subparagraph relates to customs, public health, entry, clearance, and immigration, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The term "United States" when used in a geographical sense means the territory comprising the several states, territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying air space, but shall not include the Canal Zone.

(c) The term "area" shall mean any one of the following parts of the United States:

- (1) The Mainland,
- (2) Alaska, but to be regarded as part of the Mainland for immigration purposes,
- (3) Hawaii,
- (4) Puerto Rico,
- (5) Virgin Islands, an area for the purpose of the immigration laws except as provided in further immigration regulations specifically mentioning those islands in 8 CFR, Part 116, but shall be regarded as foreign territory for other purposes,
- (6) Such area as shall hereafter be specified to include possessions of the United States not mentioned herein.

The regulations in this part shall not be applicable in the Philippine Islands, the Islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and other insular possessions not specified herein, nor to the Virgin Islands, except as specified in subparagraph (5) of this paragraph, until notice supplementary hereto is given.

(d) The term "aircraft" means civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, but includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(e) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(f) The term "scheduled air line" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from area to area, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity

issued pursuant to the Civil Aeronautics Act of 1938.

(g) The term "airport of entry" means any airport designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft; also by the Attorney General as a port of entry for aliens arriving on such aircraft; and by the Federal Security Administrator as a place for quarantine inspection.

§ 11.503 *Landing requirements—(a) Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of Civil Aeronautics, Washington, D. C. The first landing shall be at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., who, upon granting such permission, shall immediately notify the Surgeon General, Public Health Service, the Commissioner of Immigration and Naturalization, and any other agency affected thereby. In cases where such permission is given the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, merchandise, and baggage carried therein. When such permission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers and, if the aircraft arrives substantially in accordance with schedules on file with the immigration authorities, no inspection charge shall be made for overtime service by immigration officers.

(b) *Advance notice of arrival.* No aircraft coming into any area from any place outside thereof may land in such area unless notice of the intended flight has been furnished to the collector or deputy collector of customs at the airport of entry at or nearest the intended place of first landing in such area; nor unless the same notice has been furnished to the quarantine and the immigration officers in charge at or nearest such place. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of first landing prior to the arrival of the aircraft. Such advance notice will not be required in the case of aircraft of a scheduled air line arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated and also with the immigration officer in charge of such place.

¹ These regulations entitled "Air Commerce Regulations" appear under three designations, i. e., as §§ 6.1 to 6.11 of Title 19 (Customs Duties); §§ 11.501 to 11.516, Subpart K, of Title 42 (Public Health); and §§ 116.1 to 116.16 of Title 8 (Aliens and Nationality), Code of Federal Regulations.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 11.511) shall, without receiving permission from the quarantine and the customs officers in charge, depart from the place of landing, or discharge any merchandise, passengers, or baggage; and no aircraft arriving in the United States from any place outside thereof or in an area from another area, except directly from the Mainland, shall discharge any passenger or employee without permission from the immigration officer in charge.

(d) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make a forced landing in the United States, the aircraft commander or operator shall not allow any merchandise or baggage to be removed from the landing place without permission of the customs and quarantine officers, nor allow any passenger or person employed thereon to depart from the landing place without permission of the quarantine and immigration officers, unless such removal or departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest airport of entry or other customs port of entry in that area and also with the nearest quarantine officer and immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 11.504 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered (see § 11.508) in such area if landing is made therein. Aircraft coming into any area from another area shall be entered (see § 11.509 (e)) in such area if landing is made therein and if carrying merchandise or passengers.

(b) Entry shall be made by the aircraft commander at the airport of entry at which the first landing is made in the area. If, pursuant to § 11.503 (a) the first landing occurs at a place not an airport of entry, entry shall be made at the nearest airport of entry or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying passengers that must be listed in clearance declaration (§ 11.509 (b)), (e)) or merchandise shall be cleared (see § 11.509) in the area from which departing.

(d) The clearance shall be obtained by the aircraft commander at the customs

port of entry (whether or not an airport of entry) at or nearest the place of last take-off from the area, unless some other place is designated for that purpose by the collector of customs.

(e) This section shall not apply to the entry of aircraft of scheduled air lines complying with the terms of § 11.505, nor to the clearance of such aircraft complying with the terms of § 11.506, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.

§ 11.505 *Entry of aircraft of scheduled air lines.* (a) Aircraft operated by scheduled air lines coming into the United States from any place outside thereof shall make entry in the area of first landing.

(b) Aircraft operated by scheduled air lines coming from one area into another area shall make entry therein if:

(1) Carrying to or over that area passengers that must be listed in clearance declaration (§ 11.509 (b), (e)); or

(2) Carrying residue cargo (§ 11.511); or

(3) Carrying merchandise in bond (19 CFR, Part 18).

(c) Entry required by this section in an area shall be made by the aircraft commander at the place of landing provided for under § 11.503.

§ 11.506 *Clearance of aircraft of scheduled air lines.* (a) Aircraft operated by scheduled air lines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or when the aircraft is:

(1) Beginning a flight in that area; or

(2) Carrying from that area merchandise or such passengers as must be listed in clearance declaration (§ 11.509); or

(3) There are one or more aliens that must be listed on the part of clearance declaration relating to aliens employed (§ 11.509).

(b) Aircraft operated by scheduled air lines departing from any area for another area shall clear in the area from which departing if:

(1) Carrying passengers that must be listed on clearance declaration (§ 11.509 (b), (e)); or

(2) Carrying merchandise.

(c) Clearance required by this section may be obtained by the aircraft commander at the customs port of entry (whether or not an airport of entry) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the collector of customs.

§ 11.507 *Documents.* (a) The forms described in §§ 11.508 and 11.509 shall be

the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon and aliens employed on board thereof. The forms to be used for the entry and clearance of the aircraft, passengers, crew members, and merchandise carried thereon, except the forms of air cargo manifest, air passenger manifest, passenger card, and immigration instruction sheet for aircraft, shall be forms approved by the Commissioner of Customs, the Commissioner of Immigration and Naturalization, and the Surgeon General. The form of air cargo manifest shall be approved by the Commissioner of Customs. The forms of air passenger manifest, passenger card, and immigration instruction sheet for aircraft shall be approved by the Commissioner of Immigration and Naturalization.

(b) The forms described in §§ 11.508 and 11.509, except the air passenger manifest, passenger card, and immigration instruction sheet for aircraft may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of each of such forms shall be set aside by collectors of customs for free distribution or official use. The forms of air passenger manifest, passenger card, and immigration instruction sheet for aircraft may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington, D. C. A small quantity of such forms shall be set aside by immigration officers in charge for free distribution and official use. The forms may be printed by private parties, provided the forms so printed conform to the official form in size, wording, arrangement, and quality and color of paper.

§ 11.508 *Documents for entry.* (a) At the time any aircraft arriving from outside the United States lands in any area in which making of entry is required by § 11.504 or § 11.505, the aircraft commander shall deliver an aircraft commander's general declaration in accordance with this section. Aircraft arriving in an area from another area shall deliver documents as specified by § 11.509 (e) and § 11.511.

(b) An aircraft commander's general declaration shall contain the following information:

(1) A crew manifest showing, as to each alien employed in any capacity on board the aircraft, name in full (family name, given name), full permanent address, age, sex, nationality, crew member's certificate number or passport number, country of issue, and date. The list is only required to be filled in if the aircraft is arriving from outside the United States and information with respect to the crew is not furnished in accordance with § 11.510.

(2) A passenger manifest or an air passenger manifest attached to the general declaration. In either case the manifest shall show, as to each passenger, name in full (family name, given name), full permanent address, age, sex, nationality, passport number and date, but if a passenger is a citizen of the United States and has no passport the manifest shall show the date, state, city

or town in which the citizen was born if a citizen of the United States by birth, or if a citizen by naturalization the date, name of court and place of naturalization. Additional facts as to each alien passenger shall be furnished on passenger cards except in the cases not required by the immigration instruction card for aircraft. On the card "point of embarkation" means place where trip on aircraft is begun by alien (not merely touched as a through passenger), and "race" means the same as on the alien passenger manifest required of a vessel.

(3) Cargo manifest either on the general declaration or on a separate form attached to the general declaration. The cargo manifest on the general declaration, properly executed, having airway bills/consignment notes attached will be acceptable if it bears a notation such as "Express as per airway bills attached" and shows the airway bill or consignment note number, if any. If the airway bills or consignment notes are not attached to the general declaration or to the separate forms of air cargo manifest, the full information required in the cargo manifest on the general declaration shall be furnished. Customs Form 5119 may be used in lieu of the cargo manifest if the merchandise or baggage consists of a single shipment and does not exceed one hundred dollars in value. (For rule applicable to arrival in an area from another area, see § 11.509 (e).)

(4) A report showing illness (other than airsickness) that has occurred aboard the aircraft during flight; details of last disinsectization or sanitary treatment, including methods, place, date, and time; and a report of the animals, birds, insects, bacterial cultures, and viruses on board.

(5) Such other information and statements as are required on the general declaration form.

(c) The aircraft commander's general declaration required by this section shall consist of five copies with three copies of each attached air passenger manifest and three copies of each attached air cargo manifest. These documents shall be disposed of as follows:

(1) One copy of the general declaration and one copy of each air passenger manifest, immediately upon the arrival at the customs airport or other first place of landing in an area, shall be delivered by the aircraft commander to the immigration officer in charge at such airport or place with a passenger card in the case of each alien passenger as required by subparagraph (2) of paragraph (b) of this section.

(2) One copy of the general declaration and one copy of each attached air passenger manifest shall be delivered by the aircraft commander to the quarantine officer.

(3) Two copies of the general declaration, one copy of each attached air passenger manifest, and two copies of each air cargo manifest shall be delivered by the aircraft commander immediately to the customs officer in charge at such airport or place. One copy of the general declaration and one copy of each cargo manifest shall be retained by the aircraft commander and forwarded promptly by him to the comptroller of customs in

whose district such airport or place is located.

(4) One copy of the general declaration and one copy of each attached air cargo manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs above mentioned with appropriate notations thereon showing the disposition of the merchandise covered thereby. One copy of the general declaration delivered to the customs officer shall be retained by him as a record of the entry of the aircraft.

(5) With respect to transit crew and passengers, that is, such crewmen and passengers as do not move out of a special prescribed space at the airport or other place of landing, any and all copies delivered to the immigration officer, whether original or not, of the general declaration and attached air passenger manifests referred to in this section or in § 11.509 (e) (2) shall be returned by the immigration officer to the commander of the aircraft upon its departure from that airport or other place of landing, but this paragraph shall not apply in the mainland except with respect to an aircraft of a scheduled airline and such documents shall not be returned at the airport or place at which the last landing in such a case is made in the mainland.

§ 11.509 Documents for clearance.

(a) At the time of the departure of any aircraft from any area from which clearance is required by § 11.504 or § 11.506, the aircraft commander shall deliver:

(1) Shipper's export declarations on Commerce Form 7525 to the customs officer in charge for all cargo on the aircraft (also for the aircraft itself if being exported from the United States for foreign account), and

(2) An aircraft commander's general declaration in accordance with this section. The above documents may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, and the completed documents are delivered pursuant thereto not later than the fourth day after departure. *Provided*, That during any period covered by a proclamation of the President that a state of war exists between foreign nations no aircraft shall be cleared for a foreign port until the shipper's export declarations have been filed with the customs officer in charge.

CROSS REFERENCE: For export of aircraft, see pamphlet International Traffic in Arms—Laws and Regulations Administered by the Secretary of State Governing the International Traffic in Arms, Ammunition, and Implements of War and Other Munitions of War, and supplements thereto.

(b) The general declaration shall be on the same form as is required by § 11.508. Any air passenger manifest and any air cargo manifest delivered with the general declaration shall also be on the same forms as are required by § 11.508, with the following exceptions:

(1) Manifesting of members of crew may be omitted if they are departing from the Mainland or Alaska, destined to Mexico, Canada, Newfoundland, St. Pierre, or Miquelon; or if information with respect to the crew is furnished as is required by § 11.510.

(2) The passenger manifest must state in column 5, in the case of an alien passenger, the date and place of last arrival in the United States. Manifesting of passengers is not required if they are departing from the Mainland or Alaska, destined to Mexico, Canada, Newfoundland, St. Pierre, or Miquelon.

(c) The aircraft commander's general declaration required by this section, except as provided in paragraph (e) of this section, shall consist of the original and two copies, together with one copy of each attached air passenger manifest and one copy of each attached air cargo manifest. One copy of the general declaration and one copy of each air passenger manifest shall be filed promptly by the aircraft commander with the immigration officer in charge. One copy of the general declaration and one copy of each air cargo manifest shall be delivered by the aircraft commander to the customs officer in charge to be retained by him as a record of outward clearance.

(d) The original of the general declaration for departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge to show that clearance is granted.

(e) Two additional copies of the general declaration shall be furnished by the aircraft commander when the clearance is to another area, together with two additional copies of each air passenger manifest and two additional copies of each attached air cargo manifest. One copy of the general declaration must have the endorsement of the customs officer in the area from which departing that permit to proceed is granted, but this requirement shall not apply unless the commander, owner, or operator of the aircraft and the customs officer in charge have been notified by the immigration officer that fines and liabilities under the immigration laws appear to have been incurred in connection with the aircraft and payment thereof has not been made or secured by sufficient deposit or bond. These copies and a passenger card concerning each alien passenger except in the cases not required by the immigration instruction card for aircraft shall upon arrival of the aircraft in the area to which cleared be disposed of by the aircraft commander as follows:

(1) One copy of the general declaration and one copy of each attached air passenger manifest and the passenger cards shall be delivered by the aircraft to the immigration officer at the place of entry for use there as a list of arriving passengers.

(2) One copy of the general declaration, one copy of each air passenger manifest, and two copies of each attached cargo manifest shall be delivered by the aircraft commander to the customs officer in charge at such place of entry. One copy of the air cargo manifest shall be retained by such officer as the coasting manifest.

§ 11.510 Omission of lists of aliens employed on board aircraft. The information required by §§ 11.508 and 11.509 as to aliens employed on board an air-

craft may be omitted from the aircraft commander's entry and clearance declarations in the case of aircraft operated by a scheduled air line if its schedules and a list (on a form approved by the Commissioner of Immigration and Naturalization) of such information as to all aliens employed on board the aircraft have been filed by the operator of the aircraft with the immigration officer in charge at the airport of arrival (and at the airport of departure if other than the airport of arrival) shown on such schedules. From that list such officer shall keep as to each alien a card record on a form prescribed by the Commissioner of Immigration and Naturalization. Whenever an alien so listed shall be left in a hospital in the United States or ceases to be in the employ of the operator, the latter shall file with such immigration officer at such airport a report covering the date, place, and manner of leaving the alien in a hospital or the discontinuance of his employment. The name, place, and date of employment of any other or additional alien on board, for inclusion in the list so filed, shall be reported promptly by the operator to such immigration officer at such airport.

§ 11.511 *Residue cargo; customs.* (a) Tariff Act of 1930, section 442 (19 U. S. C. 1442):

* * * Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unloading thereof.

(b) Tariff Act of 1930, section 443 (19 U. S. C. 1443):

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unloaded. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Tariff Act of 1930, section 444 (19 U. S. C. 1444):

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with a certified copy of his manifest.

(d) *Merchandise destined beyond place of first landing.* Aircraft arriving in an area with merchandise on board from any place outside of the United States destined to or through another area may proceed with such merchandise to the place of first landing in the other area under the procedure prescribed in paragraph (e), upon the giving of a bond on customs Form 7567 or 7569. When such aircraft has on board no merchandise from any place outside the

United States and if no bond on customs Form 7567 or 7569 is on file covering such aircraft, but immediate clearance is requested, a bond on customs Form 7301, "Bond of vessel or aircraft to produce complete manifest and/or export declarations," shall be required.

(e) *Documents.* An aircraft commander's entry declaration, as prescribed in § 11.508, shall be filed at the port of first arrival in the United States from any place outside thereof. Upon departure from such port of first arrival there shall be filed a manifest in duplicate of all foreign cargo then retained on board. For this purpose two additional copies of the outward manifest on the aircraft commander's clearance declaration, as prescribed in § 11.509, shall be used. These duplicate manifests, together with a copy of the complete inward manifest on the aircraft commander's entry declaration filed on arrival from the foreign port or place and certified by the properly authorized customs officer, with a certificate (customs Form 3221, appropriately modified) attached thereto, shall be furnished to the aircraft commander for deposit at the next port. Customs Form 1385 shall not be used.

(f) Except as specified in this section, the customs regulation requirements applicable to residue vessel cargo shall apply to residue aircraft cargo.

§ 11.512 *General provisions; customs.* Except as otherwise in the regulations in this part provided, aircraft arriving from contiguous foreign territory and the persons, merchandise, and baggage carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft, and the passengers and merchandise and baggage carried thereon, arriving from any other place outside the United States, shall be subject to the customs laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 11.513 *Public health requirements—(a) Release by Public Health Service.* When an aircraft subject to quarantine inspection in accordance with Subpart D of this part arrives at an airport of entry or other place of first landing, the aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the airport of entry or other place of first landing. Any mail, baggage, cargo, or other contents on board such aircraft shall be held at such airport or place until released by the quarantine officer. (For procedure in case of emergency or forced landing, see § 11.503 (d).)

(b) *Restrictions on boarding aircraft and contacting personnel.* Except with the permission of the quarantine officer, no person other than the quarantine officer and quarantine employees shall be permitted to board any aircraft subject to quarantine inspection or to have contact with the crew or passengers of such aircraft until quarantine inspection of

the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft or having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

(c) *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it cannot be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

(d) *Disinsectization of aircraft.*¹ An aircraft bound for any port in the United States from any port in a region designated as a yellow fever area by the Surgeon General of the Public Health Service for the purposes of this regulation or from any other region where yellow fever may have appeared shall be disinsectized in all compartments not later than thirty minutes prior to landing. The insecticide used and method of disinsectization shall be those prescribed by the Surgeon General of the Public Health Service. When on arrival of an aircraft from any yellow fever region the quarantine officer, after inspection, determines that the aircraft has not been adequately disinsectized, the aircraft shall be kept tightly closed and disinsectization completed before discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed on board until disinsectization is completed. Additional requirements for disinsectization of aircraft flying to or from certain regions may be prescribed by the Surgeon General of the Public Health Service when necessary to prevent the importation or spread of insect vectors of disease.

(e) *General provisions.* The regulations appearing elsewhere in this part are applicable to aircraft and to passengers, merchandise, and baggage carried thereon, in the absence of express provision to the contrary.

§ 11.514 *General provisions; entry and clearance.* All navigation laws and regulations pertaining to the entry and clearance of vessels shall apply to civil aircraft to such extent and upon such conditions as are specified in this part.

§ 11.515 *Penalties.* (a) Any person violating any customs regulations relat-

¹ At airports where the hazard of introducing disease-carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect which may unknowingly have been introduced by aircraft.

ing to aircraft or any provision of the customs laws or regulations made applicable to aircraft by § 11.512 shall be subject to a civil penalty of \$500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury.

(b) Any person violating any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 11.513 shall be subject to punishment by fine or imprisonment as provided for in section 368 (a) of the Public Health Service Act (42 U. S. C., Sup., 271 (a)). Any aircraft which violates any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 11.513 shall be subject to forfeiture as provided in section 368 (b) of the Public Health Service Act (42 U. S. C., Sup., 271 (b)). Such forfeiture may be remitted or mitigated by the Surgeon General with the approval of the Federal Security Administrator.

(c) Any person violating any of the provisions of the regulations in this part relating to the entry and clearance of aircraft under the laws and regulations administered by the Secretary of Commerce shall be subject to a civil penalty of \$500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture in accordance with the provisions of the Air Commerce Act of 1926, as amended. Such penalty and forfeiture may be remitted or mitigated by the Secretary of Commerce.

(d) For the penalty for any violation of the regulations in this part relating to immigration, see further regulations in 8 CFR, Part 116 applying immigration laws and regulations to civil air navigation.

(e) Liability to penalties with respect to any one of the sets of laws, that is, the customs laws, the public health laws, the entry and clearance laws, and the immigration laws, under which the regulations in this part are prescribed, shall be separate from such liability with respect to any other set of such laws.

§ 11.516 *Airports of entry; regulations.* (a) Airports of entry will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an airport of entry may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) Airports of entry shall be municipal airports, unless particular conditions which prevail warrant a departure from such requirement, and shall be possessed of a currently effective designation as a "Designated Landing Area" issued by the Administrator of Civil Aeronautics. Additional requirements may be imposed as the needs of the district or area to be served by the airport may demand.

(e) Airports of entry shall provide without cost to the Federal Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area in each case shall be provided by the airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) Airports of entry shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in cases where airports of entry authorize any such aircraft to use such airports for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airports.

(g) All aircraft entering or clearing through airports of entry shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) Airports of entry shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration.

[SEAL]

THOMAS PARRAN,
Surgeon General.
MAURICE COLLINS,

Acting Federal Security Administrator.

DECEMBER 9, 1946.

[F. R. Doc. 46-21436; Filed, Dec. 9, 1946;
12:11 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

ANNUAL REPORT TO BE FILED BY LICENSEES OF BROADCAST STATIONS

CROSS REFERENCE: For notice of proposed rules under this part, see F. R. Doc. 46-21354, Federal Communications Commission, in Notices section, *infra*.

PART 1—ORGANIZATION, PRACTICE AND PROCEDURE

APPLICATIONS REQUIRED

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of November 1946;

It appearing, that it is necessary and desirable to amend § 1.301 of the Commission's rules and regulations so as to provide for the submission of blanket applications in certain cases arising in services other than broadcast; and

It further appearing, that general notice of proposed rule making is not required with respect hereto pursuant to the provisions of section 4 (a) of the Administrative Procedure Act;

It is ordered, That § 1.301 (11 F. R. 117A-409, 13973) of the Commission's rules and regulations be, and it is hereby, amended to read as follows:

§ 1.301 *Applications required.*¹ Construction permits, modifications of construction permits, operator and station licenses, renewal of operator and station licenses, modification of station licenses, special temporary authorizations, special service authorizations, assignment of construction permits or licenses and consent to transfer control of a corporation holding a construction permit or license, shall be granted only upon written, subscribed, and verified application upon forms prescribed by the Commission. A separate application shall be filed for each instrument of authorization requested. In cases arising in services other than broadcast, however, where a licensee holds several licenses which are identical in terms, or which are identical with the exception of station locality, and in other cases in the discretion of the Commission, a single application may be filed for renewal or modification of such licenses, provided such single application sets forth in detail an accurate description of the individual licenses sought to be renewed or modified. In cases of emergency, the Commission may issue, for a period not in excess of three months, licenses, renewal of licenses or modification of licenses for stations on vessels or aircraft of the United States, without a formal application. In case of vessels at sea, the Commission may issue, by cable, telegraph or radio, a permit for the operation of a station until the vessel returns to a port of the continental United States.

It is further ordered, That the foregoing amendment to § 1.301 of the Commission's rules and regulations be, and it is hereby, effective immediately.

(Pub. Law 404, 79th Cong.; 60 Stat. 238)

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21353; Filed, Dec. 9, 1946;
8:50 a. m.]

¹For additional information relative to applications see the respective rules relating to each service.

PART 1—ORGANIZATION, PRACTICE AND
PROCEDURE

Item 12 published in the November 30, 1946 issue of the *FEDERAL REGISTER* on page 13972, column 3, should be corrected to read as follows:

12. Section 1.121 (n) is amended by deleting the word "or".

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21355; Filed, Dec. 9, 1946;
8:50 a. m.]

TITLE 49—TRANSPORTATION AND
RAILROADSChapter I—Interstate Commerce
CommissionPART 123—FREIGHT COMMODITY STATISTICS
CARRIERS BY WATER

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of November A. D. 1946.

The matter of freight commodity statistics from carriers by water being under consideration: It is ordered, that:

- Sec.
123.21 Freight commodity statistics.
123.22 Items to be reported.
123.23 Traffic defined.
123.24 Tons of revenue freight carried defined.
123.25 Gross freight revenue.
123.26 Nonrevenue freight carried.
123.27 Reports and date of filing.

AUTHORITY: §§ 123.21 to 123.27, inclusive, issued under 24 Stat. 386, 34 Stat. 593, 35 Stat. 649, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916, 944; 49 U. S. C. 20 (1)-(8), 913.

§ 123.21 *Freight commodity statistics.* For the year beginning with January 1, 1947, and continuing thereafter for each subsequent year, unless otherwise ordered, carriers by water, subject to the provisions of Parts I and III of the Interstate Commerce Act, that are, or may be, assigned to the classes designated as Class A and Class B (49 CFR 126.2), and every receiver, trustee, executor, administrator, or assignee of any such carrier by water, shall compile freight commodity statistics, and each of the carriers so indicated shall report such statistics annually to this Commission, according to the items and subdivisions thereof listed below (§ 123.22) for each commodity class named in Appendix I hereto, which is made a part of this order. Full information shall be furnished in accordance with the following outline of terms and requirements, and as supplemented by instructions in prescribed annual report forms (49 CFR 120.51).

§ 123.22 *Items to be reported.* For each commodity class named in Appendix I hereto, the following items and subdivisions thereof are to be reported annually by each carrier by water defined in § 123.21, except shipments of less

than 10,000 pounds which shall be reported as provided in § 123.23 (b):

- a. Number of tons (2,000 pounds) of revenue freight carried:
Joint rail and water traffic.
All other traffic.
Total.
b. Gross freight revenue (dollars):
Joint rail and water traffic.
All other traffic.
Total.

§ 123.23 *Traffic defined.* (a) Classes 1 through 950 shall include shipments weighing 10,000 pounds or more, except as provided in paragraph (b) of this section.

(b) Shipments of less than 10,000 pounds of one commodity shall be included in Class 970, "All L. C. L. Freight," unless the respondent elects to distribute all revenue freight among the other designated classes.

§ 123.24 *Number of tons (2,000 pounds) of revenue freight carried.* (a) Tonnage of commodities carried by the respondent in its water-line and motor truck operations and for the respondent in the vessels and motor trucks of other companies (carriers) under contract, in revenue service, shall be separated for each commodity class between "Joint rail and water traffic" and "All other traffic". The separation as to joint rail and water traffic and all other traffic may be omitted for Class 970. "All L. C. L. Freight."

(b) *Joint rail and water traffic.* Include all shipments that, so far as apparent from the information on the waybills or abstracts thereof, are being transported (partly) by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment such as traffic moving on joint rail-water and rail-motor-water rates.

(c) *All other traffic.* Include all shipments that, so far as apparent from the information on the waybills or abstracts thereof, are transported from point of origin to point of destination solely by water, solely by truck, partly by water and partly by truck, or by any other combination which does not involve the interchanging of traffic with a railroad company; also, shipments moving on water rates when the carrier by water absorbs out of its port-to-port rates certain charges for switching, terminal, drayage, or other services within a port terminal district.

(d) *Class 613.* "Automobiles, Passenger" is confined to vehicles carried as revenue freight on freight rates and does not include those carried as an adjunct to passenger business.

(e) *Class 950.* "Forwarder Traffic" includes freight traffic shipped by or consigned to any forwarder holding a certificate under Part IV of the Interstate Commerce Act.

§ 123.25 *Gross freight revenue.* (a) Include under "Joint rail and water traffic" and "All other traffic", the revenues that are applicable to the tonnage, as provided in § 123.24 (a), (b), and (c).

(b) Gross freight revenue means the respondent's gross revenue from freight without adjustment for absorption or corrections.

§ 123.26 *Nonrevenue freight carried.* The tonnage of nonrevenue freight carried shall be reported annually in total and not by classes of commodities.

§ 123.27 *Reports and date of filing.* Reports required from Class A and Class B carriers by water by § 123.21 of this order shall be included in their annual reports to the Interstate Commerce Commission (49 CFR 120.51).

It is further ordered, that the orders of this Commission, issued under dates of January 31, 1929 and February 21, 1939, the matter of freight commodity statistics then being under consideration (49 CFR 123.21-123.24) are hereby vacated and set aside, effective on January 1, 1947, except so far as they relate to periods of time prior to that date; and that, a copy of this order shall be served upon every Class A and Class B carrier by water, subject to the provisions of Parts I and III of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such carrier by water; and that, notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX I—LIST OF COMMODITY GROUPS AND
CLASSES

GROUP I—PRODUCTS OF AGRICULTURE

- Class
1. Wheat.
3. Corn.
5. Sorghum grains.
7. Oats.
9. Barley and rye.
11. Rice.
13. Grain, n. o. s.
15. Flour, wheat.
17. Meal, corn.
19. Flour, edible, n. o. s.
21. Cereal food preparations, n. o. s.
23. Mill products, n. o. s.
25. Hay.
27. Straw.
29. Tobacco, unmanufactured.
31. Tobacco siftings, sweepings, and waste.
33. Cotton in bales.
35. Cotton linters, nolls, and regins.
37. Cottonseed.
39. Cottonseed oil cake and meal.
41. Cottonseed hulls and bran.
43. Soybeans.
45. Soybean oil cake and meal.
47. Vegetable and nut oil cake and meal, n. o. s.
49. Apples, fresh, not frozen.
51. Bananas, fresh.
53. Berries, fresh, not frozen.
55. Cantaloupes and melons, n. o. s.
57. Grapes, fresh.
59. Lemons, limes, and citrus fruits, n. o. s.
61. Oranges and grapefruit.
63. Peaches, fresh, not frozen.
65. Pears, fresh, not frozen.

Class

- 67. Watermelons.
- 69. Fruits, fresh, n. o. s., not frozen.
- 71. Fruits, dried, dehydrated, and evaporated, n. o. s.
- 73. Fruits and berries, fresh, frozen.
- 75. Coffee.
- 77. Cabbage.
- 79. Celery.
- 81. Lettuce.
- 83. Onions, dry.
- 85. Potatoes, other than sweet.
- 87. Tomatoes.
- 89. Vegetables, fresh, n. o. s., not frozen.
- 91. Beans and peas, dried.
- 93. Vegetables, dried, dehydrated, and evaporated, n. o. s.
- 95. Vegetables, fresh, frozen.
- 97. Peanuts.
- 101. Sugar beets.
- 103. Malt, n. o. s.
- 105. Flaxseed.
- 107. Seeds, n. o. s.
- 199. Products of agriculture, n. o. s.
- (900) Total products of agriculture.

GROUP II—ANIMALS AND PRODUCTS

- 201. Horses, mules, ponies, and asses.
- 203. Cattle and calves.
- 207. Sheep and goats.
- 211. Swine.
- 215. Meats, fresh, n. o. s.
- 217. Meats, cooked, cured, dried, and smoked.
- 219. Packing house products, edible, n. o. s.
- 221. Margarine, n. o. s.
- 223. Poultry, live.
- 225. Poultry, dressed and frozen.
- 227. Eggs.
- 229. Butter.
- 231. Cheese.
- 233. Dairy products, n. o. s.
- 235. Wool and mohair in grease.
- 237. Wool and mohair, n. o. s.
- 239. Hides, skins, and pelts, n. o. s.
- 241. Leather, n. o. s.
- 243. Sea food, n. o. s.
- 245. Fish and sea animal oil.
- 299. Animals and products, n. o. s.
- (910) Total animals and products.

GROUP III—PRODUCTS OF MINES

- 301. Anthracite coal, n. o. s.
- 303. Anthracite coal to breakers and washeries.
- 305. Bituminous coal.
- 307. Coke.
- 309. Iron ore.
- 311. Aluminum ore and concentrates.
- 313. Copper ore and concentrates.
- 315. Lead ore and concentrates.
- 317. Zinc ore and concentrates.
- 319. Ores and concentrates, n. o. s.
- 321. Barytes.
- 323. Clay and bentonite.
- 325. Sand, industrial.
- 327. Gravel and sand, n. o. s.
- 329. Stone and rock: broken, ground, and crushed.
- 331. Fluxing stone and raw dolomite.
- 333. Stone, rough, n. o. s.
- 335. Stone, finished, n. o. s.
- 337. Petroleum, crude.
- 339. Asphalt.
- 341. Salt.
- 343. Phosphate rock.
- 345. Sulphur.
- 399. Products of mines, n. o. s.
- (920) Total products of mines.

GROUP IV—PRODUCTS OF FORESTS

- 401. Logs, butts, and bolts.
- 403. Posts, poles, and piling, wooden.
- 405. Wood, fuel.
- 407. Ties, railroad.
- 409. Pulpwood.
- 411. Lumber, shingles, and lath.
- 413. Box, crate, and cooperage materials.
- 415. Veneer, plywood, and built-up wood.
- 417. Rosin and turpentine.
- 499. Products of forests, n. o. s.
- (930) Total products of forests.

GROUP V—MANUFACTURES AND MISCELLANEOUS

Class

- 501. Gasoline.
- 503. Fuel, road, and petroleum residual oils, n. o. s.
- 505. Lubricating oils and greases.
- 507. Petroleum products, refined, n. o. s.
- 509. Gases, other than petroleum, n. o. s.
- 511. Cottonseed oil.
- 513. Linseed oil.
- 515. Soybean oil.
- 517. Vegetable and nut oils, n. o. s.
- 519. Oils, n. o. s.
- 521. Oil foots, sediment, and tank bottoms.
- 523. Rubber, crude, natural, and synthetic.
- 525. Rubber goods, n. o. s.
- 527. Chemicals, n. o. s.
- 529. Sulphuric acid.
- 531. Acids, n. o. s.
- 533. Sodium (soda) products.
- 535. Alcohol, n. o. s.
- 537. Blacks, n. o. s.
- 539. Fertilizers, n. o. s.
- 541. Insecticides and Fungicides, n. o. s.
- 543. Tar, pitch, and creosote.
- 545. Tanning material, n. o. s.
- 547. Paint, paint material, putty, and varnish.
- 549. Plastics.
- 551. Cellulose articles, n. o. s.
- 553. Drugs, medicines, and toilet preparations.
- 555. Aluminum: Bar, ingot, pig, and slab.
- 557. Aluminum, n. o. s.
- 559. Copper: Ingot, matte, and pig.
- 561. Copper, brass, and bronze, n. o. s.
- 563. Lead and zinc: bar, ingot, and pig.
- 565. Lead and zinc, n. o. s.
- 567. Magnesium metal and alloy.
- 569. Alloys for steel manufacture.
- 571. Metals and alloys, n. o. s.
- 573. Iron, pig.
- 575. Iron and steel: billet, bloom, and ingot.
- 577. Iron and steel: bar, rod, and slab.
- 579. Iron and steel, n. o. s.
- 581. Iron and steel nails and wire (woven and not woven), n. o. s.
- 583. Manufactured iron and steel.
- 585. Cast-iron pipe and fittings.
- 587. Iron and steel pipe and fittings, n. o. s.
- 589. Tanks, n. o. s.
- 591. Agricultural implements, n. o. s.
- 593. Agricultural implement parts, n. o. s.
- 595. Machinery and machines, n. o. s.
- 597. Machinery parts.
- 601. Business and office machines.
- 603. Railway equipment.
- 607. Railway equipment parts.
- 609. Rails and railway track material, iron and steel.
- 611. Vehicles, other than motor.
- 613. Automobiles, passenger.
- 615. Automobiles, freight.
- 617. Vehicles, motor, n. o. s.
- 619. Military vehicles, n. o. s.
- 621. Automobiles and autotrucks, k. d.
- 623. Vehicle parts, n. o. s.
- 625. Airplanes, aircraft, and parts.
- 627. Tires and tubes, rubber.
- 629. Guns, small arms, and parts, n. o. s.
- 631. Ammunition and explosives.
- 633. Cement: natural and portland.
- 635. Cement, n. o. s.
- 637. Brick, common.
- 639. Brick, n. o. s., and building tile.
- 641. Refractories.
- 643. Artificial stone, n. o. s.
- 645. Lime, n. o. s.
- 647. Plaster: stucco and wall.
- 649. Sewer pipe and drain tile (not metal).
- 651. Broken or ground brick, blocks, crockery, and glass.
- 653. Woodpulp.
- 655. Scrap paper and rags.
- 657. Newsprint paper.
- 659. Printing paper, n. o. s.
- 661. Wrapping paper.
- 663. Paper bags.
- 665. Paper and paper articles, n. o. s.

Class

- 667. Printed matter, n. o. s.
- 669. Paperboard, fibreboard, and pulpboard.
- 671. Wallboard.
- 673. Building paper and prepared roofing materials.
- 675. Insulating materials, n. o. s.
- 677. Building woodwork and millwork.
- 679. Building materials, n. o. s.
- 681. Buildings and houses, fabricated and portable, n. o. s.
- 683. Asbestos articles, n. o. s.
- 685. Electrical equipment and parts, n. o. s.
- 687. Furnaces, heaters, radiators, and parts.
- 689. Bathroom and lavatory fixtures and sinks.
- 691. Hardware, n. o. s.
- 693. Glass.
- 695. Glassware, n. o. s.
- 697. Glass bottles, jars, and packing glasses, n. o. s.
- 701. Chinaware, crockery, and earthenware.
- 703. Woodenware.
- 705. Household utensils, n. o. s.
- 707. Refrigerators, freezing apparatus, and parts.
- 709. Laundry equipment.
- 711. Stoves, ranges, and parts.
- 713. Floor covering.
- 715. Furniture, n. o. s.
- 717. Furniture parts.
- 719. Tools and parts, n. o. s.
- 721. Abrasives, other than crude.
- 723. Bagging: burlap, cotton, gunny, and jute, n. o. s.
- 725. Bags: burlap, cotton, gunny, and jute, n. o. s.
- 727. Cotton cloth and cotton fabrics, n. o. s.
- 729. Cotton factory products.
- 731. Synthetic fibre and yarns (rayon and nylon).
- 733. Cloth and fabrics, n. o. s.
- 735. Rope, cordage, and binder twine, n. o. s.
- 737. Boots, shoes, and findings, n. o. s.
- 739. Luggage and handbags, n. o. s.
- 741. Athletic, gymnasium, playground, and sporting equipment, n. o. s.
- 743. Games and toys.
- 745. Liquors, alcoholic, n. o. s.
- 747. Wine.
- 749. Liquors, malt.
- 751. Beverages, n. o. s.
- 753. Ice.
- 755. Syrup and molasses, refined.
- 757. Molasses, residual.
- 759. Sugar.
- 761. Candy and confectionery.
- 763. Food products, n. o. s., in cans and packages, not frozen.
- 765. Food products, n. o. s., frozen.
- 767. Starch.
- 769. Soap and cleaning and washing compounds.
- 771. Matches.
- 773. Feed, animal and poultry, n. o. s.
- 775. Manufactured tobacco, n. o. s.
- 777. Cigarettes.
- 779. Containers, metal.
- 781. Containers, wooden.
- 783. Containers, fibreboard and paperboard, k. d.
- 785. Containers, n. o. s.
- 787. Containers, returned empty.
- 789. Scrap iron and scrap steel.
- 791. Iron and steel borings, turnings, etc.
- 793. Furnace slag.
- 795. Waste materials for remelting, n. o. s.
- 797. Waste materials, n. o. s.
- 799. Manufactures and miscellaneous, n. o. s.
- (940) Total manufactures and miscellaneous.

GROUP VI—FORWARDER TRAFFIC

- 950. Forwarder traffic.
- (960) Grand total carload traffic.

GROUP VII—ALL L. C. I. FREIGHT

- 970. All l. c. i. freight.
- (980) Grand total, all traffic.

[F. R. Doc. 46-21327; Filed, Dec. 9, 1946; 8:49 a. m.]

PART 123—FREIGHT COMMODITY STATISTICS
ELECTRIC RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of November A. D. 1946.

The matter of freight commodity statistics and operating statistics from electric railways being under consideration: It is ordered, that:

- Sec.
123.35 Freight commodity statistics and operating statistics.
123.36 Items to be reported for each commodity class.
123.37 Carload and l. c. l. traffic defined.
123.38 Originating and connecting line traffic.
123.39 Items of statistics of rail-line operations to be reported.
123.40 Freight train-miles.
123.41 Freight locomotive-miles.
123.42 Freight-train car-miles.
123.43 Report and date of filing.

AUTHORITY: §§ 123.35 to 123.43, 24 Stat. 386, 34 Stat. 593, 36 Stat. 556, 41 Stat. 493, 54 Stat. 916; U. S. C. 20 (1)-(8).

§ 123.35 *Freight commodity statistics and operating statistics.* For the year beginning with January 1, 1947, and thereafter for subsequent years unless otherwise ordered, carriers by electric railway, subject to the provisions of Part I of the Interstate Commerce Act, which reported more than 1,000,000 freight, mail, and express car-miles in rail-line operations during the year 1946, and every receiver, trustee, executor, administrator, or assignee of any such electric railway, shall compile freight commodity statistics and operating statistics, and report annually such statistics to this Commission, according to the items and subdivisions thereof listed below (§ 123.36), and for each commodity class named in Appendix I hereto, which is made a part of this order. Full information shall be furnished in accordance with the terms and requirements outlined below, and as supplemented by instructions in prescribed annual report forms (49 CER, 120.21).

§ 123.36 *Items to be reported for each commodity class.* For each commodity class named in Appendix I hereto, the following items and subdivisions thereof are to be reported annually by each electric railway defined in § 123.35, except that, the number of carloads in Class 970, "All l. c. l. Freight" shall be omitted:

- (a) Revenue freight originating on respondent's road:
Terminating on line—
Number of carloads.
Number of tons (2,000 pounds).
Delivered to connecting carriers—
Number of carloads.
Number of tons (2,000 pounds).
(b) Revenue freight received from connecting carriers:
Terminating on line—
Number of carloads.
Number of tons (2,000 pounds).
Delivered to connecting carriers—
Number of carloads.
Number of tons (2,000 pounds).
(c) Total revenue freight carried:
Number of carloads.
Number of tons (2,000 pounds).
(d) Gross freight revenue.

§ 123.37 *Carload and l. c. l. traffic defined.* (a) Classes 1 through 950 shall include only carload traffic as defined in § 123.37 (b). All shipments weighing less than 10,000 pounds shall be included in Class 970, "All L. C. L. Freight."

(b) A "carload" for the purpose of this order shall consist of a shipment of not less than 10,000 pounds of one commodity. A mixed carload for the purpose of this order shall be treated as a carload of that commodity which forms the major portion of the shipment in weight. If a single shipment is loaded into more than one car, each car used shall be reported as a carload. If more than one "carload" shipment is loaded into one car, each shipment shall be reported separately as a carload.

§ 123.38 *Originating and connecting line traffic.* (a) Revenue freight reported as "received from connecting rail carriers" shall include all shipments received from connecting rail carriers, either directly or indirectly, so far as apparent from information on the waybills or abstracts.

(b) Revenue freight reported as "originating on respondent's road" shall include shipments originating on line and shipments received from water lines and highway motor truck lines, except when identified as having had previous rail transportation, as provided in paragraph (a) of this section.

(c) Freight which receives its first line-haul on respondent's road, but originates on switching roads connecting directly or indirectly with respondent's line, shall be reported as freight originating by respondent.

(d) Revenue freight reported as "delivered to connecting rail carriers" shall include shipments delivered to connecting rail carriers, either directly or indirectly, as far as apparent from information on waybills or abstracts.

(e) Revenue freight reported as "terminating on respondent's road" shall include shipments terminating on line and shipments delivered to water lines and highway motor truck lines, except when identified as to receive further rail transportation as provided in § 123.38 (d).

(f) Freight which receives its last line haul on respondent's line, but is delivered to a switching road connecting directly or indirectly with respondent's line, shall be reported as freight terminated by respondent.

(g) Import and export traffic received from or delivered to water carriers and traffic from and to outlying possessions of the United States received from or delivered to water carriers shall be reported as originating or terminating at the port of entry or exit.

(h) Traffic interchanged with connecting rail lines operating in Canada and Mexico shall be reported as delivered to or received from connecting rail carriers.

(i) Lake cargo coal delivered to Lower Lake and St. Lawrence River Ports for transshipment by vessel shall be reported as "delivered to connecting rail carrier." Lake cargo coal received at Upper Lake Ports shall be reported as "received from connecting rail carriers."

(j) Iron ore delivered to Upper Lake Ports for transshipment by vessel shall be reported as "delivered to connecting rail carriers." Iron ore received at Lower Lake and St. Lawrence River Ports shall be reported as "received from connecting rail carriers."

(k) Tidewater coal to Atlantic Ports shall be reported as "delivered to connecting rail carriers." Tidewater coal from Atlantic Ports shall be reported as "received from connecting rail carriers."

(l) Freight accorded transit privileges shall be reported as "originated on respondent's road" at the transit point, even though the outbound shipment may move under transit balances or proportional rates.

(m) "Gross freight revenue" means respondent's gross revenue from freight without adjustment for absorptions or corrections.

(n) Class 950, "Forwarder Traffic (C. L.)," includes freight traffic in carloads shipped by or consigned to any forwarder holding a certificate under Part IV of the Interstate Commerce Act.

§ 123.39 *Items of statistics of rail-line operations to be reported.*

1. Average number of miles of road operated in freight service.
2. Freight train-miles (locomotive-propelled and motor-car trains).
 - 2-01. Ordinary.
 - 2-02. Light.
 - 2-03. Total.
3. Freight locomotive-miles.
 - 3-01. Principal.
 - 3-02. Helper.
 - 3-03. Light.
 - 3-04. Total.
4. Freight-train car-miles.
 - 4-01. Loaded freight cars.
 - 4-02. Empty freight cars.
 - 4-03. Caboose.
 - 4-04. Total.
5. Number of tons of revenue freight carried.
6. Number of tons carried one mile.
 - 6-01. Revenue freight.
 - 6-02. Non-revenue freight.
 - 6-03. Total.
7. Freight revenue (account 107).

Averages

 8. Miles per revenue ton (6-01÷5).
 9. Ton-miles per car-mile (6-03÷4-01).
 10. Average freight revenue:
 - 10-01. Per revenue ton carried (7÷5).
 - 10-02. Per revenue ton-mile (7÷6-01).
 - 10-03. Per loaded car-mile (7÷4-01).

§ 123.40 *Freight train-miles.* Include miles run by all trains between terminals or stations for the transportation of revenue and company freight; also miles run by trains consisting of empty freight cars, and by trains consisting of a locomotive and caboose running light in connection with such service. Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them. Freight-train miles should be subdivided as follows: Ordinary freight-train miles which includes miles run by trains consisting of a locomotive, with or without caboose, with other equipment; Light freight-train miles which includes miles run by trains consisting of a locomotive and caboose, running light in connection with freight-train

service. Motor-car train-miles should be included.

§ 123.41 *Freight locomotive-miles.* Include miles run by locomotive in freight-train service. Miles of motor cars (propelling units) should not be classed as locomotive-miles. Locomotive-miles should be subdivided as follows: Principal freight locomotive-miles, including miles run by locomotives principal to the train, between terminals, or stations, with freight trains; also miles run by locomotives between terminals or stations, with cabooses, going to or returning from such service; and miles run in hauling the second cut of freight trains doubled over grades; Helper freight locomotive-miles, including miles run by locomotives as helpers over the division or that portion covered by the run, or on important grades including double-headers, triple-headers, and pushers, regardless of whether on the head end, in the middle, or on the rear of the train; Light freight locomotive-miles, including miles run by locomotives light between terminals or stations in connection with freight-train service on account of unbalanced traffic; miles run light for hauling second cuts of trains doubled; miles run light between freight trains and next coaling station or water tank for coal or water; miles run light to pick up or assist freight trains between terminals; miles run light by grade helpers in returning from assisting freight trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from freight-train service.

§ 123.42 *Freight train car-miles.* Include the miles run by freight-train cars (including caboose cars) in transportation service. Such car-miles should be subdivided as follows: Loaded; empty; and caboose. The mileage of company service equipment, designed exclusively for work service and moved in transportation trains, should be classed as loaded freight car-miles. Car mileage of motor-car trains should be included.

§ 123.43 *Report and date of filing.* Reports required from carriers by electric railway by § 123.35 shall be included in their annual reports to the Interstate Commerce Commission (49 CFR 120.21).

It is further ordered, that the order of this Commission, Division 1, issued under date of December 29, 1939, the matter of freight commodity statistics and operating statistics of electric railways, then being under consideration (49 CFR 123.35-123.44), is hereby vacated and set aside, effective on January 1, 1947, except so far as it relates to periods of time prior to that date; and that, a copy of this order shall be served upon every carrier by electric railway, subject to the provisions of Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such electric railway; and, that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C.,

and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX I—LIST OF COMMODITY GROUPS AND CLASSES

GROUP I—PRODUCTS OF AGRICULTURE (C. L.)

Class

1. Wheat.
3. Corn.
5. Sorghum grains.
7. Oats.
9. Barley and rye.
11. Rice.
13. Grain, n. o. s.
15. Flour, wheat.
17. Meal, corn.
19. Flour, edible, n. o. s.
21. Cereal food preparations, n. o. s.
23. Mill products, n. o. s.
25. Hay.
27. Straw.
29. Tobacco, unmanufactured.
31. Tobacco, siftings, sweepings, and waste.
33. Cotton in bales.
35. Cotton linters, noils, and regins.
37. Cottonseed.
39. Cottonseed oil cake and meal.
41. Cottonseed hulls and bran.
43. Soybean.
45. Soybean oil cake and meal.
47. Vegetable and nut oil cake and meal, n. o. s.
49. Apples, fresh, not frozen.
51. Bananas, fresh.
53. Berries, fresh, not frozen.
55. Cantaloupes and melons, n. o. s.
57. Grapes, fresh.
59. Lemons, limes, and citrus fruits, n. o. s.
61. Oranges and grapefruit.
63. Peaches, fresh, not frozen.
65. Pears, fresh, not frozen.
67. Watermelons.
69. Fruits, fresh, n. o. s., not frozen.
71. Fruits, dried, dehydrated, and evaporated, n. o. s.
73. Fruits and berries, fresh, frozen.
75. Coffee.
77. Cabbage.
79. Celery.
81. Lettuce.
83. Onions, dry.
85. Potatoes, other than sweet.
87. Tomatoes.
89. Vegetables, fresh, n. o. s., not frozen.
91. Beans and peas, dried.
93. Vegetables, dried, dehydrated, and evaporated, n. o. s.
95. Vegetables, fresh, frozen.
97. Peanuts.
101. Sugar beets.
103. Malt, n. o. s.
105. Flaxseed.
107. Seeds, n. o. s.
199. Products of agriculture, n. o. s.
- (900) Total products of agriculture.

GROUP II—ANIMALS AND PRODUCTS (C. L.)

201. Horses, mules, ponies, and asses.
203. Cattle and calves, single-deck.
205. Calves, double-deck.
207. Sheep and goats, single-deck.
209. Sheep and goats, double-deck.
211. Swine, single-deck.
213. Swine, double-deck.
215. Meats, fresh, n. o. s.
217. Meats, cooked, cured, dried, and smoked.
219. Packing house products, edible, n. o. s.
221. Margarine, n. o. s.
223. Poultry, live.
225. Poultry, dressed and frozen.
227. Eggs.

Class

229. Butter.
231. Cheese.
233. Dairy products, n. o. s.
235. Wool and mohair in grease.
237. Wool and mohair, n. o. s.
239. Hides, skins, and pelts, n. o. s.
241. Leather, n. o. s.
243. Sea food, n. o. s.
245. Fish and sea animal oil.
299. Animals and products, n. o. s.
- (910) Total animals and products.

GROUP III—PRODUCTS OF MINES (C. L.)

301. Anthracite coal, n. o. s.
303. Anthracite coal to breakers and washeries.
305. Bituminous coal.
307. Coke.
309. Iron ore.
311. Aluminum ore and concentrates.
313. Copper ore and concentrates.
315. Lead ore and concentrates.
317. Zinc ore and concentrates.
319. Ores and concentrates, n. o. s.
321. Barytes.
323. Clay and bentonite.
325. Sand, industrial.
327. Gravel and sand, n. o. s.
329. Stone and rock: broken, ground, and crushed.
331. Fluxing stone and raw dolomite.
333. Stone, rough, n. o. s.
335. Stone, finished, n. o. s.
337. Petroleum, crude.
339. Asphalt.
341. Salt.
343. Phosphate rock.
345. Sulphur.
399. Products of mines, n. o. s.
- (920) Total products of mines.

GROUP IV—PRODUCTS OF FORESTS (C. L.)

401. Logs, butts, and bolts.
403. Posts, poles, and piling, wooden.
405. Wood, fuel.
407. Ties, railroad.
409. Pulpwood.
411. Lumber, shingles, and lath.
413. Box, crate, and cooperage materials.
415. Veneer, plywood, and built-up wood.
417. Rosin and turpentine.
499. Products of forests, n. o. s.
- (930) Total products of forests.

GROUP V—MANUFACTURES AND MISCELLANEOUS (C. L.)

501. Gasoline.
503. Fuel, road, and petroleum residual oils, n. o. s.
505. Lubricating oils and greases.
507. Petroleum products, refined, n. o. s.
509. Gases, other than petroleum, n. o. s.
511. Cottonseed oil.
513. Linseed oil.
515. Soybean oil.
517. Vegetable and nut oils, n. o. s.
519. Oils, n. o. s.
521. Oil foods, sediment, and tank bottoms.
523. Rubber, crude, natural, and synthetic.
525. Rubber goods, n. o. s.
527. Chemicals, n. o. s.
529. Sulphuric acid.
531. Acids, n. o. s.
533. Sodium (soda) products.
535. Alcohol, n. o. s.
537. Blacks, n. o. s.
539. Fertilizers, n. o. s.
541. Insecticides and fungicides, n. o. s.
543. Tar, pitch, and creosote.
545. Tanning material, n. o. s.
547. Paint, paint material, putty, and varnish.
549. Plastics.
551. Cellulose articles, n. o. s.
553. Drugs, medicines, and toilet preparations.
555. Aluminum: bar, ingot, pig, and slab.
557. Aluminum, n. o. s.
559. Copper: ingot, matte, and pig.
561. Copper, brass, and bronze, n. o. s.
563. Lead and zinc: bar, ingot, and pig.

Class

565. Lead and zinc, n. o. s.
 567. Magnesium metal and alloy.
 569. Alloys for steel manufacture.
 571. Metals and alloys, n. o. s.
 573. Iron, pig.
 575. Iron and steel: Billet, bloom, and ingot.
 577. Iron and steel: bar, rod, and slab.
 579. Iron and steel, n. o. s.
 581. Iron and steel nails and wire (woven and not woven), n. o. s.
 583. Manufactured iron and steel.
 585. Cast iron pipe and fittings.
 587. Iron and steel pipe and fittings, n. o. s.
 589. Tanks, n. o. s.
 591. Agricultural implements, n. o. s.
 593. Agricultural implement parts, n. o. s.
 595. Machinery and machines, n. o. s.
 597. Machinery parts.
 601. Business and office machines.
 603. Railway equipment moved on own wheels.
 605. Railway equipment, S. U., not moved on own wheels.
 607. Railway equipment parts.
 609. Rails and railway track material, iron and steel.
 611. Vehicles, other than motor.
 613. Automobiles, passenger.
 615. Automobiles, freight.
 617. Vehicles, motor, n. o. s.
 619. Military vehicles, n. o. s.
 621. Automobiles and autotrucks, k. d.
 623. Vehicle parts, n. o. s.
 625. Airplanes, aircraft, and parts.
 627. Tires and tubes, rubber.
 629. Guns, small arms, and parts, n. o. s.
 631. Ammunition and explosives.
 633. Cement: natural and portland.
 635. Cement, n. o. s.
 637. Brick, common.
 639. Brick, n. o. s., and building tile.
 641. Refractories.
 643. Artificial stone, n. o. s.
 645. Lime, n. o. s.
 647. Plaster: Stucco and wall.
 649. Sewer pipe and drain tile (not metal).
 651. Broken or ground brick, blocks, crockery, and glass.
 653. Woodpulp.
 655. Scrap paper and rags.
 657. Newsprint paper.
 659. Printing paper, n. o. s.
 661. Wrapping paper.
 663. Paper bags.
 665. Paper and paper articles, n. o. s.
 667. Printed matter, n. o. s.
 669. Paperboard, fibreboard, and pulpboard.
 671. Wallboard.
 673. Building paper and prepared roofing materials.
 675. Insulating materials, n. o. s.
 677. Building woodwork and millwork.
 679. Building materials, n. o. s.
 681. Buildings and houses, fabricated and portable, n. o. s.
 683. Asbestos articles, n. o. s.
 685. Electrical equipment and parts, n. o. s.
 687. Furnaces, heaters, radiators, and parts.
 689. Bathroom and lavatory fixtures and sinks.
 691. Hardware, n. o. s.
 693. Glass.
 695. Glassware, n. o. s.
 697. Glass bottles, jars, and packing glasses, n. o. s.
 701. Chinaware, crockery, and earthenware.
 703. Woodenware.
 705. Household utensils, n. o. s.
 707. Refrigerators, freezing apparatus, and parts.
 709. Laundry equipment.
 711. Stoves, ranges, and parts.
 713. Floor covering.
 715. Furniture, n. o. s.
 717. Furniture parts.
 719. Tools and parts, n. o. s.
 721. Abrasives, other than crude.
 723. Bagging: Burlap, cotton, gunny, and jute, n. o. s.
 725. Bags: Burlap, cotton, gunny, and jute, n. o. s.

No. 239—4

Class

727. Cotton cloth and cotton fabrics, n. o. s.
 729. Cotton factory products.
 731. Synthetic fibre and yarns (rayon or nylon).
 733. Cloth and fabrics, n. o. s.
 735. Rope, cordage, and binder twine, n. o. s.
 737. Boots, shoes, and findings, n. o. s.
 739. Luggage and handbags, n. o. s.
 741. Athletic, gymnasium, playground, and sporting equipment, n. o. s.
 743. Games and toys.
 745. Liquors, alcoholic, n. o. s.
 747. Wine.
 749. Liquor, malt.
 751. Beverages, n. o. s.
 753. Ice.
 755. Syrup and molasses, refined.
 757. Molasses, residual.
 759. Sugar.
 761. Candy and confectionery.
 763. Food products, n. o. s., in cans, and packages, not frozen.
 765. Food products, n. o. s., frozen.
 767. Starch.
 769. Soap and cleaning and washing compounds.
 771. Matches.
 773. Feed, animal and poultry, n. o. s.
 775. Manufactured tobacco, n. o. s.
 777. Cigarettes.
 779. Containers, metal.
 781. Containers, wooden.
 783. Containers, fibreboard and paperboard, k. d.
 785. Containers, n. o. s.
 787. Containers, returned empty.
 789. Scrap iron and scrap steel.
 791. Iron and steel borings, turnings, etc.
 793. Furnace slag.
 795. Waste materials for remelting, n. o. s.
 797. Waste materials, n. o. s.
 799. Manufactures and miscellaneous, n. o. s.
 (940) Total manufactures and miscellaneous.

GROUP VI—FORWARDER TRAFFIC (C. L.)

950. Forwarder traffic (c. l.)
 (960) Grand total carload traffic.

GROUP VII—ALL L. C. L. FREIGHT

970. All l. c. l. freight.
 (980) Grand total, carload and l. c. l. traffic.

[F. R. Doc. 46-21326; Filed, Dec. 9, 1946;
 8:49 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[P. & S. Docket No. 445]

MARKET AGENCIES, FORT WORTH STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION

By a document filed on November 8, 1946, the respondents seek the following increase in rates applicable to sheep at the Fort Worth Stock Yards:

Sheep	Rates now in effect	Rates requested
Consignments of 1 head and 1 head only.....	\$0.35	\$0.40
Consignments of more than one head:		
First 10 head in each 300.....	.30	(1)
Next 50 head in each 300.....	.15	(1)
Next 60 head in each 300.....	.06	.08
Next 130 head in each 300.....	.02	.04
Next 50 head in each 300.....	.01	.04

¹ No increase.

Effect of proposed modification. The effect of such proposed modification, if granted, would be to increase the revenues of the respondents, and, accordingly, it appears that public notice should be given to all interested persons of the request of the respondents so as to afford them an opportunity to manifest their desire to be heard on the matter. Therefore, notice is hereby given to the public of the request of the respondents for a modification of the rates presently in effect at the Fort Worth Stock Yards.

All persons who desire to be heard shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of the publication of this notice.

Copies hereof shall be served on the respondents by registered mail or in person.

Done at Washington, D. C., this 4th day of December 1946.

[SEAL]

H. E. REED,

Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 46-21337; Filed, Dec. 9, 1946;
 8:48 a. m.]

MILK IN FORT WAYNE, IND., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS

Notice of report and opportunity to file written exceptions with respect to proposed amendments to the order, and to the marketing agreement, regulating the handling of milk in the Fort Wayne, Ind., marketing area.

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), notice is hereby given of the filing with the Hearing Clerk of a report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to the marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

A public hearing, on the record of which the proposed amendments to the order, as amended, and the marketing agreement, as amended, were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Wayne Cooperative Milk Producers, Inc.

The principal issues developed at the hearing were concerned with the following:

(1) The definitions of "Secretary," "producer," "handler," "delivery period," "emergency milk," and "marketing area";

(2) The addition of definitions covering "fluid milk plant," "nonfluid milk plant," "route," "producer milk," "other source milk," "producer-handler," "co-operative association," and "nonhandler";

(3) Additional duties and responsibilities for the market administrator, including: (a) the power to make rules and regulations to effectuate the terms and provisions of the order; (b) prepare and disseminate statistics and market information; and (c) prepare and release to handlers a financial report of his operations;

(4) A revision of the section covering reports by (a) requiring reports which conform with the skim milk and butterfat system of classification, (b) eliminating the report covering the intention to receive "other source milk," (c) clarifying the paragraph entitled "records and facilities";

(5) A revision of the section covering the classification and allocation of milk, including a consideration of shrinkage;

(6) The addition of alternative formulas for determining "basic prices" for producer milk; the establishment of handler "butterfat differentials" for each class of milk, and a seasonal pricing plan;

(7) A revision of the method of pooling producer milk;

(8) A revision of the method of assessment for administrative expenses;

(9) The addition of a provision requiring the market administrator to explain audit adjustments and of a provision providing for interest charges on overdue accounts; and

(10) Numerous changes in language for the purpose of clarifying the present order.

The conclusions reached with respect to these issues, together with some of the supporting reasons for such conclusions, are set forth below:

1. Certain definitions which were discussed in the hearing record should be redefined to clarify and to better correlate such definitions with other terms and provisions of the order.

The term "Secretary" should be redefined to eliminate reference to the War Food Administrator since with the abolishment of the War Food Administration the powers of the War Food Administrator have been redelegated to the Secretary of Agriculture.¹

The term "producer" should be simplified and clarified. It is contemplated that the proposed definition would include the same persons as producers as are now included under the current definition.²

The definition "handler" should be simplified and clarified with respect to cooperative associations in their capacity as a handler. It is intended that the revised definition would cover the same

persons as handlers as are now subject to regulation under the current order.³

The term "delivery period" should be redefined to provide for a delivery period of less than one month in duration in the event the order is effective for only a portion of a month.⁴

The term "emergency milk" should be deleted because under other revised provisions of the proposed amendments this definition would not be needed.⁵

The general boundaries of the Fort Wayne marketing area should not be changed, inasmuch as marketing conditions with respect thereto are substantially similar to those existing when the original order was promulgated. However, New Haven, Indiana, should be excluded because of differences in health requirements.⁶

2. Certain other definitions which were discussed in the hearing record should be added.

Definitions covering "producer milk," "other source milk" (including emergency milk), "route," "producer-handler," "nonhandler," and "cooperative association" should be added for simplification and clarification.⁷

Definitions covering "fluid milk plant" and "nonfluid milk plant" are unnecessary in view of the type of plants operated in the Fort Wayne market and because of the inclusive nature of the handler and nonhandler definitions.⁸

3. The section covering the powers and duties of the market administrator should be clarified to (a) stipulate the power of the market administrator to make rules and regulations in order to effectuate the terms and provisions of the amended order; and (b) to provide for preparation and release of statistics and marketing information to assure producers and handlers that this function will be continued by the market administrator.⁹

The regular financial report showing a balance sheet and operating statement of the market administrator's office is unnecessary in view of the regular audits made by the Office of Investigatory Services.

4. (a) The section requiring reports by handlers should be revised to conform with the proposed skim milk and butterfat system of classification.¹⁰

(b) The requirement that handlers report the intent to receive other source milk to the market administrator is unnecessary in view of the common source for such milk and the close contact of the market administrator with handlers.

(c) Although it was proposed to specifically stipulate financial records as one of the records to be made available to the market administrator, it is concluded that the language in the current order gives the market administrator authority to inspect all records pertinent to the process of auditing and verification and there seems to be no point in making

special mention of financial records. It was also proposed that handlers shall not be required to make any reports or furnish any information except such as specifically stipulated by the order. Because of wide variation in the types of records kept, such a limitation might seriously handicap the usefulness and efficiency of the auditing program of the market administrator.¹¹

5. (a) A revision of the section covering classification of milk should be made to provide for the classification of "skim milk" and "butterfat" separately, replacing a system of classifying only butterfat under the current order. This change will provide more equity among handlers and will show more clearly the utilization of skim milk and butterfat by each handler and for the market.¹²

(b) The classes of utilization of milk should be clarified. Buttermilk should be classified as Class I milk. Egg nog and fluid "cream" products sold in fluid form should be classified as Class II milk. Skim milk, buttermilk, or flavored milk drink dumped or disposed of as livestock feed and bulk skim milk disposed of to bakeries or soup factories should be classified as Class III milk.¹³

(c) The provision for computing shrinkage should be clarified by determining shrinkage for skim milk and butterfat separately and such shrinkage should be allocated between producer milk and other source milk in accordance with receipts from each such source, in the interest of equity among handlers. The maximum allowable shrinkages in Class III milk should be established at 2 percent of total receipts of producer milk and as actual shrinkage of other source milk.¹⁴

(d) The interhandler and nonhandler transfer provision should be clarified and language should be included to make such provisions conform with the skim milk and butterfat system of classification and the allocation provisions. Fluid milk and cream transferred to a plant located more than 100 miles from Fort Wayne should be classified as Class I and Class II milk, respectively.¹⁵

(e) The method of allocating skim milk and butterfat classified should be revised to provide for the elimination of other source milk in series beginning with the lowest-priced uses in order to protect adequately the classification of producer milk.¹⁶

6. The current system of establishing class prices by stated differentials over "basic" or manufacturing prices should be continued. These differentials should be established in such a manner as will provide higher prices during the short production season than during the "flush" season to encourage more even production. These differentials should be as follows:

Months	Differentials	
	Class I	Class II
April, May, and June.....	\$0.60	\$0.35
September, October, and November.....	.90	.65
All others.....	.75	.50

¹¹ H. R. pp. 160-196.

¹² H. R. pp. 196 ff.

¹³ H. R. pp. 265 ff.

¹ H. R. pp. 89-128.

² H. R. p. 42.

³ H. R. pp. 128-129.

⁴ H. R. pp. 48-63, 105-108.

⁵ H. R. pp. 43-129.

⁶ H. R. pp. 121-128.

⁷ H. R. pp. 130-153.

⁸ H. R. pp. 160-196.

⁹ H. R. pp. 39-40.

¹⁰ H. R. pp. 63 ff, 104-121.

The Class III price should be equal to the basic or manufacturing price because skim milk and butterfat disposed of as Class III milk must be manufactured and sold in competition with products made from manufacturing milk.¹⁴

In addition to the average of prices at the four local condenseries as currently used for establishing the basic price, two alternative formulas should be included. The "code price" for the evaporated milk industry and a "butter and nonfat dry milk solids" formula should be included. This will widen the base for establishing class prices, and will tend to assure producers and handlers that class prices will be maintained in a proper relationship to prices for milk in alternative uses.¹⁵

To adjust class prices for variation in the average butterfat test of each class, butterfat differentials to handlers should be established on a ratio basis and determined by multiplying the average price of 92-score butter at Chicago during the delivery period by the following factors, respectively:¹⁶

Class I.....	1.30
Class II.....	1.25
Class III.....	1.15

7. The current method of pooling milk on a market-wide basis and the method of making payments for producer milk should not be changed. Conditions with respect to pooling and payments are substantially similar to those existing when the original order was promulgated.¹⁷

8. The producer butterfat differential should be established on a ratio basis and determined by multiplying the average price of 92-score butter at Chicago during the delivery period by 1.15.¹⁸

9. The assessment for administrative expenses should be charged on (a) all producer milk and (b) all other source milk utilized in Class I and Class II milk, instead of on all milk as provided in the current order. The provision should also be revised with respect to its application to milk received by a cooperative association.¹⁹

10. The section providing for marketing service deductions on producer milk should be changed to authorize the market administrator to engage any qualified agent to perform marketing service functions.²⁰

11. A section should be added providing for (a) the notification of handlers of audit adjustments, (b) a statement by the market administrator of the reasons for these adjustments, and (c) interest at the rate of one-half of one percent per month relative to accounts not paid on time by the market administrator or by the handler.²¹

12. Numerous changes in language in other provisions should be made for the purpose of further clarification and brevity.

The following provisions are recommended as the detailed means by which these conclusions may be carried out.

The proposed marketing agreement is not included in this report because its substantive provisions would be the same as those set forth below with respect to the order, as amended.

Provisions

§ 932.1 *Definitions.* The following terms mean:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 932.5 and § 932.8.

(d) "Market Administrator" means the agency described in § 932.2.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Fort Wayne, Indiana, marketing area" hereinafter called the "marketing area," means all territory within the corporate limits of Fort Wayne, Indiana, and all territory within 4 miles of the corporate limits of Fort Wayne, Indiana, except the territory within the corporate limits of New Haven, Indiana.

(g) "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

(h) "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(2) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(i) "Route" means a delivery route (including a plant store) on which milk, skim milk, buttermilk, flavored milk, or flavored milk drink is distributed in fluid form to wholesale or retail stops other than to milk processing or distributing plants.

(j) "Handler" means (1) any person, including any cooperative association, who operates a milk plant from which a route is operated wholly or partially within the marketing area; (2) any cooperative association which operates a milk plant at which milk is received from producers; or (3) any cooperative association with respect to:

(i) Milk caused by it to be delivered from producers' farms to a plant(s) described under (1) of this paragraph, for which milk such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted on its account from a plant(s) described under (1) of this paragraph, or from a plant(s) operated by it, to a nonhandler's plant.

(k) "Producer" means any person, except a producer-handler, having certification issued by the appropriate health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk.

(l) "Nonhandler" means any person other than a handler who operates a milk processing or distributing plant from which no route is operated within the marketing area.

(m) "Producer milk" means milk produced by one or more producers under the conditions set forth in (k) of this section.

(n) "Other source milk" means all skim milk and butterfat (1) other than that contained in producer milk, or any product received and disposed of in the same form, (2) transferred by a producer-handler to any handler.

(o) "Producer-handler" means any person who produces milk but receives no milk from other producers and operates a route extending into the marketing area.

§ 932.2 *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the ties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 932.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 932.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

¹⁴ H. R. pp. 243-265, 465-595.

¹⁵ H. R. pp. 465-595, 673-684.

¹⁶ H. R. pp. 555-562, 595-598.

¹⁷ H. R. pp. 688 ff.

¹⁸ H. R. pp. 693-706.

¹⁹ H. R. pp. 706-713.

²⁰ H. R. pp. 713-727.

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 932.3, or (ii) payments pursuant to §§ 932.8, 932.9, 932.10, or 932.11;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 932.5, and

(ii) On or before the 11th day after the end of such delivery period, the uniform price computed pursuant to § 932.7 and the butterfat differential computed pursuant to § 932.8, and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 932.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and the sources thereof;

(2) The product pounds of milk products received from any nonhandler and disposed of in the same form;

(3) The utilization of all receipts required to be reported under (1) and (2) of this paragraph; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 932.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in (d) and (e) of this section, the skim milk and butterfat described in (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(i) Disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk or flavored milk drink (except as provided in (3) (ii) and (3) (iii) of this paragraph); and

(ii) Not specifically accounted for as any item included under (i) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as (i) cream or as any mixture containing cream and milk, or skim milk (not in-

cluding commercial ice cream mix) containing not less than 6 percent of butterfat, and (ii) eggnog.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce a milk product other than any of those specified in (1) (i) or in (2) of this paragraph;

(ii) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drink, or buttermilk;

(iii) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(iv) In actual plant shrinkage of producer milk computed pursuant to (c) of this section, but not in excess of 2 percent thereof; and

(v) In actual plant shrinkage of other source milk computed pursuant to (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in

the form of cream to a nonhandler's plant located less than 100 miles from the City Hall at Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator unless, (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in (b) of this section;

(4) As Class I milk if transferred or diverted in the form of milk to a plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator; and

(5) As Class II milk if transferred or diverted in the form of fluid cream, containing not less than 6 percent butterfat, to a plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(i) Subtract plant shrinkage of skim milk pursuant to (b) (3) (iv) of this section from the total pounds of skim milk in Class III milk;

(ii) Subtract from the pounds of skim milk remaining in each class after making the deduction pursuant to (i) of this subparagraph, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(iii) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to (e) of this section; and

(iv) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk,

subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, and Class III milk computed pursuant to (1) and (2) of this paragraph.

§ 932.5 *Minimum prices* — (a) *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content determined by the market administrator pursuant to (1), (2), or (3) of this paragraph, computed to the nearest tenth of a cent.

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Angola, Ind.
Pet Milk Co., Garrett, Ind.
Kraft-Phenix Cheese Corp., Kendallville, Ind.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 4.0.

(3) The price per hundredweight computed by adding together the plus values pursuant to (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall

be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price determined pursuant to (a) of this section, plus the following:

Delivery period:	Amount
April, May, and June.....	\$0.60
September, October, and November.....	.90
All other months.....	.75

(c) *Class II milk prices.* Subject to the provisions of (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the basic formula price determined pursuant to (a) of this section, plus the following:

Delivery period:	Amount
April, May, and June.....	\$0.35
September, October, and November.....	.65
All other months.....	.50

(d) *Class III milk prices.* Subject to the provisions of (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the same as the basic formula price.

(e) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) Class I milk: multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery periods and divide the result by 10.

(2) Class II milk: multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(3) Class III milk: multiply by 1.10 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(f) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add

to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 932.6 *Application of provisions—(a) Producer-handlers.* Sections 932.4, 932.5, 932.7, 932.8, 932.9, and 932.10 shall not apply to a producer-handler.

(b) *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(c) *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.1 (j) (2) (i), with respect to milk caused by it to be delivered from producers' farms to a plant(s) described in § 932.1 (j) (1), only for the purpose of making such payments to the market administrator as are required of such association pursuant to the proviso of § 932.8 (e).

(d) *Diverted milk.* Producer milk diverted from a handler's plant to a non-handler's plant shall be deemed to have been received by the handler on whose account such milk was diverted.

§ 932.7 *Determination of uniform prices—(a) Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 932.3 (a), has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 972.4 (g) (1) (iv) and (2) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 4.0

percent butterfat content received from producers as follows:

(1) Combine into one total the values computed pursuant to (a) of this section for all handlers who made the reports prescribed by § 932.3, except those in default of the payments prescribed in § 932.8 (e) for the preceding delivery period;

(2) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 932.8 (f);

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under (1) of this paragraph is greater than 4.0 percent, or add, if such butterfat test is less than 4.0 percent, an amount computed by: multiplying the amount by which its weighted average butterfat test varies from 4.0 percent by the butterfat differential computed pursuant to § 972.8 (c), and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under (4) of this paragraph.

(c) *Notification of handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (1) the amount and value of his milk in each class and the totals thereof; (2) the applicable minimum class prices and uniform price; (3) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 932.8 (e) and (f); and (4) the amount to be paid by each handler pursuant to §§ 932.8 (a) (1) and (2), 932.9, and 932.10.

§ 932.8 *Payment for milk—(a) Time and method of final payment.* Each handler shall make payments, after deducting the amount of the payments made pursuant to (b) of this section, as follows:

(1) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler by a cooperative association pursuant to (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 932.7 (b) adjusted by the producer butterfat differential pursuant to (c) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to (f) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on

which such balance of payment is received from the market administrator.

(2) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association during such delivery period, not less than the value of such milk computed at the minimum class prices provided by § 932.5. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, and Class III milk as determined pursuant to § 932.4 (g).

(b) *Partial payments.* (1) On or before the last day of each delivery period, each handler shall make payment, except as set forth in (2) of this paragraph, to each producer, for the milk received from such producer by such handler during the first 15 days of such delivery period, at not less than the uniform price for the preceding delivery period.

(2) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to a cooperative association for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such delivery period, at not less than the uniform price of the preceding delivery period.

(c) *Producer butterfat differential.* In making payments pursuant to (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 4.0 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 4.0 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (e) of this section and out of which he shall make all payments to handlers pursuant to (f) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by (c) of this section: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to (a) (2) of this section, the association, in turn, shall pay to the market administrator, on or before the 14th day after the end of each delivery period,

the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by (c) of this section.

(f) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by (c) of this paragraph, less any unpaid obligations of such handler to the market administrator pursuant to (e) of this section, § 932.9, § 932.10, and § 932.11: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to (a) (2) of this section, the market administrator shall pay, on or before the 15th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by (c) of this section: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 932.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 932.2 (c) (4) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe, to be announced by the market administrator on or before the 11th day after the end of such delivery period, with respect to all receipts within the delivery period of (1) producer milk (including such handlers own production) and (2) other source milk classified as Class I milk pursuant to § 932.4 (b) (1) (i) and Class II milk.

§ 932.10 *Marketing services — (a) Marketing service deductions.* Except as set forth in (b) of this section, each handler, in making payments to producers pursuant to § 932.8 (a) (1), shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, to be announced by the market administrator on or before the 11th day after the end of the delivery period with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 13th day after the end of

each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in (a) of this section, each handler shall deduct, in lieu of the deduction specified under (a) of this section, from the payments made pursuant to § 932.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.11 *Adjustments of accounts — (a) Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.8, 932.9, 932.10, or (a) of this section shall be increased one-half of one percent per month, on the 5th day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 932.12 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.13 *Suspension or termination — (a) When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires

further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 932.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 932.15 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

This report filed at Washington, D. C., this 5th day of December 1946.

[SEAL] E. A. MEYER,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 46-21338; Filed, Dec. 9, 1946;
8:48 a. m.]

[Docket No. AO 103-A9]

HANDLING OF MILK IN NEW ORLEANS, LA.,
MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND-
MENTS TO TENTATIVELY APPROVED MAR-
KETING AGREEMENT

Pursuant to the Agricultural Market-
ing Agreement Act of 1937, as amended
(7 U. S. C. 601 et seq.), and in accordance
with the applicable rules of practice and
procedure, as amended (7 CFR, Cum.
Supp., 900.1 et seq., 10 F. R. 11791, 11
F. R. 7737), notice is hereby given of a
hearing to be held at Monteleone Hotel,
beginning at 10:00 a. m., C. S. T., Decem-
ber 19, 1946, for the purpose of receiving
evidence with respect to proposed
amendments to the tentatively approved
marketing agreement, as amended, and
order, as amended, regulating the han-
dling of milk in the New Orleans, Lou-
isiana, milk marketing area (10 F. R.
1077, 11 F. R. 8433). These proposed
amendments have not received the ap-
proval of the Secretary of Agriculture.

The following amendments have been proposed:

For § 942.1:

By the Dairy Branch, Production and Marketing Administration:

1. Delete § 942.1 (b) and substitute therefor the following:

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

2. Delete the term "War Food Administrator" wherever it appears and substitute therefor the term "Secretary."

3. Add at the end of § 942.1 a new paragraph reading as follows:

(m) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or from other producer-handlers in bulk: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

By the United Milk Producers of America, Amite, La.: Insert a new producer clause to provide that if such producer did not regularly distribute milk in the marketing area or dispose of milk to a handler during the period of 30 days immediately prior to the effective date of this amendment, but begins the regular delivery of milk into the New Orleans market, he shall be known as a "new producer" for a period beginning with the date of his first delivery and including two full calendar months following such first delivery after which he shall be known as a "producer" and until he is known as a producer he shall be paid at the Class III price for the quantity of milk received from such producer (and adjust all other clauses in said order to comply with this amendment).

For § 942.2: By the Dairy Branch, Production and Marketing Administration: Add at the end of § 942.2 (b) new subparagraphs to read as follows:

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(4) Recommend amendments to the Secretary.

For § 942.4:

By the Dairy Branch, Production and Marketing Administration:

1. Delete the provisions of § 942.4 (c) and substitute therefor the following:

(c) *Responsibility of handlers and reclassification of milk.* (1) In establishing the classification of skim milk and butterfat as required in (b) and (d) of this section, the burden rests upon the first handler who receives such skim milk or butterfat to prove to the market administrator that such skim milk or but-

terfat should not be classified as Class I milk.

(2) Any skim milk or butterfat classified in one class shall be reclassified if found by the market administrator to have been used or disposed of (whether in original or other form) by such handler or by any other person in another class in accordance with such use or disposition.

2. Amend § 942.4 (d) by inserting the number "(1)" immediately after the heading thereof, and by adding a new subparagraph following said subparagraph (1) reading as follows:

(2) No allocation relative to transfers provided for in this paragraph shall operate to deter the prior subtraction of skim milk or butterfat from other sources pursuant to (f) (1) ((e) (9) (i) in the present order) of this section. Any quantity reported for allocation to a particular class but not eligible therefor because of (f) (1) ((e) (9) (i) in present order) of this section shall be allocated by the market administrator as Class I skim milk or Class I butterfat pending his verification.

3. Delete the provisions of § 942.4 (e) and substitute therefor a new subparagraph immediately following § 942.4 (e) reading as follows:

(f) *Allocation of classified skim milk and butterfat.* Classified skim milk and butterfat shall be allocated as follows:

(1) Subtract, respectively, from the total pounds of skim milk and butterfat in each class, in series beginning with the lowest available class, the pounds of skim milk and butterfat received from other sources;

(2) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and used in each class; and

(3) Subtract from the remaining pounds of skim milk and butterfat in each class, in series beginning with the lowest available class, the pounds of skim milk and butterfat by which the total pounds, respectively, in all classes exceed the pounds received from producers. The respective resulting amounts in each class shall be known as "net pooled Class I skim milk," "net pooled Class I butterfat," "net pooled Class II skim milk," "net pooled Class II butterfat," "net pooled Class III skim milk," and "net pooled Class III butterfat"; the sum of the "net pooled Class I skim milk," "net pooled Class II skim milk," and "net pooled Class III skim milk" shall be known as the "net pooled skim milk" and the sum of the "net pooled Class I butterfat," "net pooled Class II butterfat" and "net pooled Class III butterfat" shall be known as the "net pooled butterfat."

By the St. Charles Dairy, New Orleans, Louisiana:

Amend § 942.4 (d) so as to provide that when skim milk or butterfat is transferred to a handler who purchases or receives milk from producers and a definite classification has been agreed upon, in writing, that should the handler to whom the transfer has been made

use such skim milk or butterfat in any higher class, then the transferee would be responsible to the market administrator for any additional amounts due producers because of using such skim or butterfat in a different class than was agreed upon.

By the Borden's-Southern Dairy Products, Inc.; Brown's Velvet Dairy Products, Inc.; Cloverland Dairy Products Co.; Gold Seal Creamery; Muller's Sanitary Dairy; St. Charles Dairy (hereinafter referred to as Borden's et al.):

Amend § 942.4 (e) (9) to provide the amount of actual plant shrinkage not in excess of two (2) percent of receipts of skim milk and butterfat from producers remain as Class III skim milk and butterfat, respectively, irrespective of any skim milk or butterfat purchased from other sources.

By Brown's Velvet Dairy Products, Inc., New Orleans, Louisiana:

Amend § 942.4 (e) (9) so as to provide that on inter-handler transfers the skim milk and butterfat so transferred would be deducted according to actual utilization regardless of purchases from other sources and not after purchases from other sources have been eliminated from the lowest classes.

For § 942.5:

By the Dairy Farmers' Cooperative Association, Inc., Kentwood, Louisiana:

1. Delete § 942.5 (a) and substitute therefor the following:

(a) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price per hundred-weight of milk to be used in determining the Class I and Class II prices set forth in this section shall be the highest of the prices computed by the market administrator pursuant to (1), (2), and (3) of this paragraph.

(1) To the average of the basic (or field) prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function):

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

add an amount computed as follows: From the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture for the delivery

period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 0.5.

(2) (i) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(ii) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(iii) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(iv) To the combined butter and cheese value add 30 percent thereof.

(v) Multiply the sum computed in subparagraph (iv) above by 4.0.

(3) The price per hundredweight computed by adding together the plus amounts pursuant to (i) and (ii) of this subparagraph:

(i) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price-reporting function) for the delivery period during which such milk was received, subtract 3 cents, add 20 percent thereof, and then multiply by 4.0; and

(ii) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price-reporting function) for the Chicago area for the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period deduct 4 cents, multiply by 8.5 and then multiply by 0.96.

2. In § 942.5 (b) (1) delete the phrase "add \$1.05 to the basic formula price" and substitute therefor the following: "add \$1.25 to the basic formula price."

3. In § 942.5 (c) (1) delete the phrase "add 55 cents to the basic formula price" and substitute therefor the following: "add \$0.65 to the basic formula price."

4. Delete § 942.5 (d) and substitute therefor the following:

(d) *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.8 for skim milk and butterfat purchased or received from them during each delivery period and classified as "net pooled Class III skim milk" and "net pooled Class III butterfat" not less than the prices per hundredweight set forth in the following computations:

(1) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation

by the market administrator: subtract 7 cents from the average price per pound of nonfat dry milk solids and multiply the result by 8.5. The price per pound of nonfat dry milk solids to be used shall be the average of the carlot prices for nonfat dry milk solids, roller process for human consumption, delivered at Chicago as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function) during the delivery period preceding that in which such skim milk was received.

(2) The price per hundredweight of butterfat shall be computed by the market administrator by: multiplying by 100 the average wholesale price per pound of 92-score butter in the Chicago market as reported by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function) during the delivery period preceding that in which such butterfat was received.

By the United Milk Producers of America, Amite, Louisiana:

1. Add a new paragraph after § 942.5 (b) (iii) to read as follows:

(iv) The price of 3.5 percent milk shall be computed by adding together the average prices as quoted by three of the principal feed merchants in Washington Parish and three of the principal feed merchants in Tangipahoa Parish that have been paid for by the producer (1) corn meal, (2) crushed oats, (3) cottonseed meal, (4) soybean meal; divide the total of these average prices by four and multiply this figure by one hundred and fifty during the months of October to April inclusive and by one hundred and thirty for the months of May to September inclusive.

2. Delete § 942.5 (b) (1) (i) \$1.05 and insert in lieu thereof \$1.50 (and adjust all other computations in said paragraph to comply with a basic price for 3.5 percent milk).

For § 942.6:

By the Dairy Branch, Production and Marketing Administration:

1. Delete the provisions of § 942.6 and substitute therefor the following:

§ 942.6 *Application of provisions—(a) Exemptions.* (1) Sections 942.5, 942.7, 942.8, and 942.9 shall not apply to handlers (i) whose sole source of supply is from other handlers (except producer-handlers) or (ii) who are producer-handlers pursuant to § 942.1 (m) as verified by the market administrator in the manner provided in (2) of this paragraph.

(2) Producer-handlers shall furnish the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as such pursuant to 942.1 (m) as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualifications as producer-handlers. Such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the

effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(3) Milk, cream, or milk products disposed of in the marketing area the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Payment for excess skim milk or butterfat.* If a handler after subtracting receipts from other sources, and receipts from other handlers has disposed of skim milk and butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to his producers as having been purchased or received from them, the market administrator in computing the net pool obligation of such handler pursuant to § 942.7 (a) shall add an amount equal to the value of such skim milk and butterfat in accordance with its value at the price for the class from which such skim milk or butterfat was subtracted pursuant to § 942.4 (f) (now § 942.4 (e) (9)).

(c) *Skim milk and butterfat disposed of in bulk by a producer-handler.* A producer-handler shall be considered as a producer with respect to skim milk and butterfat disposed of in bulk to a handler (including another producer-handler).

By Borden's et al.:

Amend § 942.6 (b) so as to make its provisions applicable only when a handler purchases all of his skim milk and butterfat from producers.

For § 942.7:

By Borden's et al.:

1. Amend the provisions of § 942.7 (b) to provide for the following:

(a) Subtract for each of the delivery periods of March, April, May, June, July, and August an amount representing twenty (20) cents per hundredweight of milk received from producers by the handlers whose milk values are included under (1) of this paragraph.

(b) Add for each of the delivery periods of September, October, November, December, January, and February one-sixth of the total amount subtracted pursuant to (a) of this paragraph.

By the United Milk Producers of America, Amite, Louisiana; Azalea Dairy, Morgan Dairy, Oakdale Dairy, A. J. Meibaum, Morning Call Dairy, Westside Creamery, Estelle Dairy, Rosemary Dairy; and Louisiana Dairy Employees, Drivers and Maintenance Employees Local Union No. 22:

Amend the provisions of § 942.7 (and § 942.8) so as to provide for an individual-handler pool, instead of for a market-wide pool, and make such other changes as may be required to make the entire order conform with this proposal.

By the Dairy Branch, Production and Marketing Administration:

Delete the provisions of § 942.7 (b) (1) and substitute therefor the following:

(1) Combining the net pool obligations for skim milk and butterfat, respectively, for all handlers who reported pursuant to § 942.3, (a) for such delivery period, except those in default of payments pursuant to § 942.8 (a) (3) for the preceding delivery period.

For § 942.8.

By the Dairy Branch, Production and Marketing Administration:

Amend the provisions of § 942.8 (a) (2) by deleting the period at the end thereof and by adding immediately thereafter a proviso reading as follows:

Provided, That if by such date such handler has not received full payment for such delivery period pursuant to (c) of this section, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

For § 942.9:

By the Dairy Branch, Production and Marketing Administration: Delete § 942.9 and substitute therefor the following:

§ 942.9 *Expense of administration*. As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat purchased or received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

General proposals by the Dairy Branch, Production and Marketing Administration: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the market administrator, 1421 Carondelet Building, New Orleans 12, Louisiana, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0306, South Building, Washington 25, D. C., or may be there inspected.

Dated: December 5, 1946.

[SEAL]

E. A. MEYER,
Assistant Administrator, Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 46-21364; Filed, Dec. 9, 1946;
8:47 a. m.]

UNITED STATES STANDARDS FOR GRADES OF DATES¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for grades of dates pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1947 (Pub. Law 422, 79th Cong., 2d Sess., approved June 22, 1946). This is the first issue of these standards which are to become effective January 2, 1947.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed issuance and the effective date of the new standards shall file the same in quadruplicate with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after the publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.293 *Dates*—(a) *Definition*. Dates are the properly cured fresh fruit of the date tree (*Phoenix datylifera*).

(b) *Varieties of dates*. (1) Deglet Noor and similar varieties.

(2) Invert sugar varieties, such as, Barhi, Ghars, Kasbet, Khadrawi, Halawi, Saidy, and Zahidi.

(c) *Styles of dates*. (1) "Whole unpitted dates" are whole dates from which the pits have not been removed and which may or may not be slit longitudinally.

(2) "Whole pitted dates" are whole dates from which the pits have been removed.

(3) "Macerated dates" are dates which are ground, sliced, chopped, broken, or cut into pieces.

(4) Dates of any of the aforementioned styles are known as one of the following:

(i) "Natural dates" (dates to which no moisture has been added).

(ii) "Hydrated dates" (processed dates to which moisture has been added).

(d) *Moisture*. Federal inspection certificates will indicate the moisture content of the finished product.

(e) *Count*. Federal inspection certificates will indicate the number of whole unpitted or whole pitted dates per pound.

(f) *Grades for dates*. (1) "U. S. Grade A" or "U. S. Fancy dates" are whole dates of one variety; are well matured, well developed, plump and well fleshed; and are practically uniform in size and color.

(i) Not more than a total tolerance of 10 percent by weight may be damaged by discoloration, broken skin, weather checks, deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, im-

proper curing or improper hydrating, mashing, blacknose, black scald, or may be affected by scouring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That:

(ii) Not more than three-fifths of the total tolerance, or 6 percent by weight, may be damaged by dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *And further provided*, That:

(iii) Not more than two-fifths of the total tolerance, or 4 percent by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *And further provided*, That:

(iv) Not more than one-tenth of the total tolerance, or 1 percent by weight, may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" dates are whole dates of one variety; are reasonably well matured, reasonably well developed, reasonably plump and reasonably well fleshed; and are reasonably uniform in size and color.

(i) Not more than a total tolerance of 15 percent by weight may be damaged by deformity, puffiness, scars, sunburn, side spot, insect injury, semi-dry calyx end, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That:

(ii) Not more than eight-fifteenths of the total tolerance, or 8 percent by weight, may be damaged by dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *And further provided*, That:

(iii) Not more than one-third of the total tolerance, or 5 percent by weight, may be affected by souring, mold, decay, insect infestation (no live insects are permitted), dirt, or other foreign material: *And further provided*, That:

(iv) Not more than one-fifteenth of the total tolerance, or 1 percent by weight, may be affected by decay.

(3) "U. S. Grade C" or "U. S. Standard dates" are whole dates of one variety, fairly well matured, fairly well developed, fairly plump and fairly well fleshed; and are fairly uniform in size and color.

(i) Not more than a total tolerance of 20 percent by weight may be damaged by deformity, puffiness, scars, sunburn, side spot, insect injury, dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material: *Provided*, That:

(ii) Not more than one-half of the total tolerance, or 10 percent by weight,

¹The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

may be damaged by dry calyx end, lack of pollination, improper ripening, improper curing or improper hydrating, mashing, blacknose, black scald; or may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material; *And further provided, That:*

(iii) Not more than one-fourth of the total tolerance, or 5 percent by weight, may be affected by souring, mold, decay, insect infestation (no live insects permitted), dirt or other foreign material; *And further provided, That:*

(iv) Not more than one-twentieth of the total tolerance, or 1 percent by weight, may be affected by decay.

(4) "U. S. Grade D" or "Substandard dates" are whole dates that are wholesome and edible but fail to meet the requirements of U. S. Grade C or U. S. Standard, or are macerated dates that are wholesome and edible.

(i) Not more than 5 percent by weight of the fruit may be affected by souring, mold, decay, insect infestation (no live insects are permitted), dirt, or other foreign material; *Provided, That:*

(ii) Not more than 2 percent by weight of the fruit may be affected by decay.

(g) *Explanation of terms—(1) Maturity.* (i) "Well matured" means that the dates are fully ripe and are soft, moist, and translucent.

(ii) "Reasonably well matured" means that the dates may not have reached the fully ripe stage but are pliable and translucent.

(iii) "Fairly well matured" means that the dates may be firm but not immature and are semi-translucent.

(2) *Uniformity of size.* (i) "Practically uniform in size" means that not more than a total of 20 percent by weight of whole dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(ii) "Reasonably uniform in size" means that not more than a total of 25 percent by weight of whole dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(iii) "Fairly uniform in size" means that not more than a total of 30 percent by weight of whole dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(3) *Uniformity of color.* (i) "Practically uniform color" means that in the individual container if the dates are predominantly light amber they may contain not more than 5 percent dark amber dates and if the dates are predominantly dark amber they may contain not more than 5 percent of light amber dates.

(ii) "Reasonably uniform color" means that in the individual container if the dates are predominantly light amber they may contain not more than 10 percent dark amber dates and if the dates are predominantly dark amber they may contain not more than 10 percent light amber dates.

(iii) "Fairly uniform color" means that in the individual container if the dates are predominantly light amber they may contain not more than 20 percent dark

amber dates and if the dates are predominantly dark amber they may contain not more than 20 percent light amber dates.

(4) *Definitions of defects.* (i) Damaged by:

"Discoloration" is the presence of a dark area over one-fourth inch in width, in the flesh of the date but visible through the skin and extends more than half of the length of the date, such darkening being of natural origin and not caused by mold or other organism.

"Broken skin" is the rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being three-sixteenths inch or more.

"Checking" is the presence of fine lines resulting from water injury affecting the outer portion of the skin over an area equal to one-fourth or more of the total skin surface.

"Deformity" is abnormal shape sufficient to produce an appearance discernibly at variance with that typical of the variety.

"Puffiness" is a condition of the date in which the skin is dry, hard, and brittle and in which the skin is separated from the flesh over one-half of the area of the date.

"Scars" are blemishes that affect the exterior of the date and which are three-sixteenths inch or more in the shortest dimension.

"Sunburn" is an area usually light in color, scarred by the heat of the sun, such area being three-sixteenths inch or more in its shortest dimension.

"Side spot" means a very dark area generally occurring circular in appearance extending into the flesh of the date and when decayed tissue or mold is not present affects in the aggregate an area of three-sixteenths inch or more.

"Insect injury" is a blemish resulting from the activity of insects or mites distributed over an area equal to one-eighth of the total surface of the date.

"Semi-dry calyx end" means that the flesh at the stem of the date over an area

equal to one-eighth of the surface of the date is immature in character and appreciably harder and more dry than the balance of the date and is usually distinguishable by being lighter in color than the balance of the date.

"Dry calyx end" means that the flesh at the stem of the date over an area equal to one-fourth of the surface of the date is immature in character and appreciably harder and more dry than the balance of the date and is usually distinguishable by being lighter in color than the balance of the date.

"Lack of pollination" means that pollination of the date was not accomplished, the condition being evidenced by lack of seed and thin, immature appearance.

"Improper ripening" means a date evidencing "green shrivel," puffy flesh, or a decidedly rubbery texture resulting from failure of the tissue to reach a desirable soft pliable condition.

"Improper curing or improper hydrating" means that the date has been injured by excessive heat or that the curing or hydrating process is incomplete.

"Mashing" means physical injury to the flesh and skin leaving the date partially mangled but otherwise whole.

"Blacknose" is a condition involving severe checking in which the flesh becomes dark, crusty and dry, affecting an area greater than one-eighth of the total surface of the date.

"Black scald" means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(ii) Affected by: "Souring" is a condition in which the sugar has been broken down into alcohol and acetic acid by yeasts and bacteria.

"Mold" is the presence of visible mold.

"Insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects permitted.)

"Rot" is a condition of decomposition. Dirt or other foreign material is the presence of any quantity of such substances.

(h) *Work sheet for dates.*

Container size.....				
Container code or markings.....				
Label or brand.....				
Net weight.....				
Variety.....				
Style.....				
Moisture.....				
Count (per pound).....				
Whole (unpitted or pitted):				
Maturity.....				
Development.....				
Plumpness and flesh.....				
Uniformity of size.....				
Uniformity of color.....				
Defects (total defects—maximum).....	10%	15%	20%	
Damage by—				
Discoloration, broken skin, weather checks; and		No limit	No limit	No limit
Deformity, puffiness, scars, sunburn, side spot,				
insect injury; and				No limit
Semi-dry calyx end; and			No limit	No limit
Dry calyx end, lack of pollination, improper	6%	8%	10%	No limit
ripening, improper curing or improper hy-		but not more than		
drating, mashing, blacknose, black scald; and				
Affected by—				
Souring, mold, decay, insect infestation (no live	4%	5%	5%	5%
insects), dirt, or other foreign material.....		but not more than		
Decay.....	1%	1%	1%	2%
Macerated.....				
Grade.....				

Issued this 5th day of December 1946.

[SEAL] E. A. MEYER,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-21357; Filed, Dec. 9, 1946; 8:47 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

RECORD-KEEPING REGULATIONS

NOTICE OF OPPORTUNITY TO FILE WRITTEN STATEMENTS REGARDING AMENDMENT

Notice of opportunity to file written statements in support of or in opposition to the report and recommendation of the presiding officer at hearings in the matter of the amendment to the record-keeping regulations, Part 516, issued pursuant to the Fair Labor Standards Act of 1938.

After due notice published in the FEDERAL REGISTER (11 F. R. 6145, 7779), public hearings were held on July 10, 1946 in Room 1213, 165 W. 46th Street, New York, N. Y., and on August 1, 1946 in the Assembly Room, Chamber of Commerce Building, Portland, Oregon, before William B. Grogan, presiding officer, designated by the Administrator of the Wage and Hour and Public Contracts Divisions for the purpose of receiving evidence and hearing argument with respect to whether a proposed amendment to the Record-Keeping Regulations, Part 516 of this Chapter, relating to recording of hours worked by unsupervised employees engaged in woods operations on pulpwood, published in the FEDERAL REGISTER on April 19, 1946 (11 F. R. 4343) should be adopted by the Administrator and, if not, whether any alternative amendment concerning the subject matter should be adopted.

On November 7, 1946 the presiding officer made his report and recommended that the proposed amendment to the Record-keeping Regulations should not be adopted.

Notice is hereby given of the opportunity to all interested parties to file with the Administrator written statements in support of or in opposition to the report and recommendation of the presiding officer within 30 days from the date of publication of this notice in the FEDERAL REGISTER. The report and recommendation of the presiding officer is on file and available for examination at the offices of the Wage and Hour and Public Contracts Divisions, 165 West 46th Street, New York 19, N. Y.

Signed at New York, New York, this 4th day of December 1946.

L. METCALFE WALLING,
Administrator,
Wage and Hour Division,
Department of Labor.

[F. R. Doc. 46-21325; Filed, Dec. 9, 1946; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6883]

CRESCENT BROADCAST CORP.

ORDER DESIGNATING APPLICATION FOR FURTHER HEARING

In re application of Crescent Broadcast Corporation, Shenandoah, Pennsylvania. File No. B2-P-4092, Docket No. 6883. For construction permit standard broadcast station.

The Commission having under consideration a petition filed November 4, 1946, by Crescent Broadcast Corporation, Shenandoah, Pennsylvania, requesting leave to amend its application for construction permit (File No. B2-P-4092, Docket No. 6883) so as to show a new transmitter site; to change Paragraphs 21, 23-28, inclusive, of the application so as to show the change in transmitter site and engineering information incidental thereto; as more particularly appears from the amendment filed simultaneously with the petition; and for reopening of the record in the consolidated hearing upon petitioner's application and applications of WHP, Inc., Harrisburg, Pennsylvania (File No. B2-P-4334, Docket No. 7115) and The Patriot Company, Harrisburg, Pennsylvania, (File No. B2-P-4091, Docket No. 6884) for the purpose of receiving into evidence a supplemental engineering report relative to a change in petitioner's transmitter site; or in the alternative that the Commission designate a further hearing for the purpose of receiving testimony and exhibits relating to a change in transmitter sites; and an opposition thereto filed November 8, 1946, by The Patriot Company;

It is ordered, This 21st day of November 1946, that the petition be, and it is hereby, granted; the said amendment filed simultaneously with the petition covering matters hereinabove described be, and it is hereby, accepted; the record in the above-entitled proceeding be, and it is hereby, reopened; and the application of Crescent Broadcast Corporation be, and it is hereby, designated for further hearing for the purpose of receiving into evidence testimony concerning a change in transmitter sites; and

It appearing, that the Commission requires additional information concerning the stability and operation of the proposed antenna system of Crescent Broadcast Corporation;

It is further ordered, On the Commission's own motion, that the further hearing be held upon the following issues;

1. Type of terrain over which measurements are to be taken in order to submit an adequate proof of performance.

2. Accessibility over the terrain over which field measurements can be taken for proof of performance.

3. The areas and populations to be served from the new site and character and type of other radio services to such areas and populations; particularly, the areas and populations which would receive their first primary service from the proposed operation.

4. Stability of proposed antenna system in operation, especially in considera-

tion of antenna base resistances and soil conditions at the site proposed.

5. Whether and to what extent operation from the proposed site will cause interference with existing stations or pending applications, particularly with respect to stations CKEY, Toronto, Canada, and WFIL, Philadelphia, Pennsylvania.

It is further ordered, That said further hearing be, and it is hereby, scheduled for 10:00 o'clock a. m. Wednesday, December 18, 1946.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21343; Filed, Dec. 9, 1946; 8:46 a. m.]

[Docket Nos. 7962, 7694, 7695, 7740, 7817]

SAN GABRIEL VALLEY BROADCASTING CO.
ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of San Gabriel Valley Broadcasting Company, Monrovia, California; Docket No. 7962, File No. B5-P-5425. Leon Wyszatycki, d/b as Huntington Broadcasting Company, Huntington Park, California; Docket No. 7694, File No. B5-P-4822. Hollywood Community Radio Group, Gardena, California; Docket No. 7695, File No. B5-P-5020. Hollywood Community Radio Group, Hollywood, California; Docket No. 7740, File No. B5-PH-765. Coast Radio Broadcasting Corporation, Los Angeles, California; Docket No. 7817, File No. B5-P-5095. For construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946;

The Commission having under consideration the above-entitled application of San Gabriel Valley Broadcasting Company (File No. B5-P-5425) requesting a construction permit for a new standard broadcast station to operate on 1520 kilocycles, with 1 kilowatt power, daytime only, at Monrovia, California;

It appearing, that the Commission on July 25, 1946, designated for hearing in a consolidated proceeding the applications of Leon Wyszatycki, d/b as Huntington Broadcasting Company (File No. B5-P-4822; Docket No. 7694) requesting a construction permit for a new standard broadcast station to operate on 1540 kilocycles, with 5 kilowatts power, daytime only, at Huntington Park, California, and Hollywood Community Radio Group (File No. B5-P-5020; Docket No. 7695) requesting a construction permit for a new standard broadcast station to operate on 1530 kilocycles, with 5 kilowatts power, daytime only, at Gardena, California; and that the Commission on August 29, 1946, designated for hearing in said consolidated proceeding the application of Coast Radio Broadcasting Corporation (File No. B5-P-5095; Docket No. 7817) requesting a construction permit for a new standard broadcast station to operate on 1540 kilocycles, with 5 kilowatts power, daytime only, at Los An-

geles, California; and that the Commission on November 14, 1946, designated for hearing in said consolidated proceeding the application of Hollywood Community Radio Group (File No. B5-PH-765; Docket No. 7740) requesting a construction permit for a new Class B FM station at Hollywood, California;

It further appearing, that said consolidated proceeding has been by order of November 12, 1946, scheduled for hearing at 10:00 o'clock a. m., Monday, December 16, 1946, at Los Angeles, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of San Gabriel Valley Broadcasting Company be, and it is hereby, designated for hearing in the above consolidated proceeding upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.
2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other applications for standard broadcast facilities in this consolidated proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if any, of the standard broadcast applications in this consolidated proceeding should be granted.

It is further ordered, That the orders of the Commission dated July 25, 1946, August 29, 1946, and November 14, 1946, designating for hearing the several applications involved in this consolidated proceeding, be, and they are hereby, amended to include the said application of San Gabriel Valley Broadcasting Company.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21344; Filed, Dec. 9, 1946;
8:46 a. m.]

[Docket No. 7968]

MISSION BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Eugene J. Roth tr/as Mission Broadcasting Company, San Antonio, Texas; Docket No. 7968, File No. B3-PH-1038. For construction permit for new FM station.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946.

The Commission having under consideration the above-entitled application for construction permit for a new Class B FM station in San Antonio, Texas;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, that this application be heard in consolidation with the hearing heretofore ordered on the application of Eugene J. Roth, tr/as Mission Broadcasting Company for renewal of license of Radio Station KONO, San Antonio, Texas (Docket No. 7862; File No. B3-R-414) upon the following issue:

1. To determine the policy of the applicant with regard to the program service to be rendered by the proposed FM station.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21345; Filed, Dec. 9, 1946;
8:46 a. m.]

[Docket No. 6605]

WARC, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WARC, Inc., Rochester, New York; Docket No. 6605; File No. B1-P-3565; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 7th day of November 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1600 kc, with 5 kw power, unlimited time, using directional antenna at night, at Rochester, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the

requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the operation of the proposed station would involve interference with any proposed or existing standard broadcast stations in the Dominion of Canada in contravention of the North American Regional Broadcasting Agreement and, if so, the nature and extent thereof.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21346; Filed, Dec. 9, 1946;
8:46 a. m.]

[Docket No. 6805]

BOOTH RADIO STATIONS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Booth Radio Stations, Inc., Saginaw, Michigan; Docket No. 6805, File No. B2-P-4088; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 5th day of September 1946;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on the frequency 790 kc, with 1 kw power, unlimited time, using directional antenna day and night, at Saginaw, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be

rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WTAR, Norfolk, Virginia, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and the operation proposed at Flint, Michigan, in applicant's pending application (File No. B2-P-4120, Docket No. 6923), or with any other proposed operation of the applicant, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine whether the operation of the proposed station would involve objectionable interference with the Canadian Stations CKSO, Sudbury, Ontario and CKLW, Windsor, Ontario, or any other existing foreign broadcast station, as defined in the North American Regional Broadcasting Agreement, and the nature and extent of any such interference.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21348; Filed, Dec. 9, 1946;
8:47 a. m.]

[Docket No. 6651]

REVISED FREQUENCY SERVICE-ALLOCATIONS TO NON-GOVERNMENT FIXED AND MOBILE SERVICES IN THE BAND 30-40 MEGACYCLES

ORDER POSTPONING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1946;

It is ordered, That the oral argument heretofore scheduled to be heard in the above-entitled matter on December 16, 1946, be, and it is hereby postponed to a date to be announced at the conclusion of an engineering conference to be held on the matter at the Commission's offices in Washington, D. C., on December 2, 1946.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21349; Filed, Dec. 9, 1946;
8:47 a. m.]

[Designation Order 4]

MOTIONS COMMISSIONER

DESIGNATION FOR MONTH OF DECEMBER 1946

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of November 1946;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that C. J. Durr, Commissioner, be, and he is hereby designated as Motions Commissioner, for the month of December 1946.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21347; Filed, Dec. 9, 1946;
8:46 a. m.]

[Docket No. 7974]

RADIOTELEGRAPH SERVICE BETWEEN UNITED STATES AND FOREIGN AND OVERSEAS POINTS AND ASSIGNMENT OF FREQUENCIES FOR SUCH SERVICE

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of November 1946;

The Commission, having under consideration the present disposition of foreign and overseas radiotelegraph circuits, and the present assignment of frequencies, among the various radiotelegraph carriers subject to the Communications Act of 1934, as amended; and having also under consideration the applications filed by All America Cables & Radio, Inc., Globe Wireless, Inc., Mackay Radio & Telegraph Company, Inc., Press Wireless, Inc., RCA Communications, Inc., South Porto Rico Sugar Company, Tropical Radio Telegraph Company, and United States-Liberia Radio Corporation, pursuant to a request by the Commission contained in its Release, Serial No. 154, dated March 7, 1946, for applications for modification, and renewal as modified, of licenses for point-to-point radiotelegraph stations in the fixed public and fixed public press services, exclusive of applications for licenses and authorizations to communicate with points involved in Dockets Nos. 7094 and 7412, "In the Matter of Radiotelegraph Circuits between the United States and British Commonwealth and certain other points";

It appearing, that many radiotelegraph circuits to foreign countries and overseas points have been authorized to provide for wartime needs; and

It further appearing, that a general review and investigation of radiotelegraph service between the United States and foreign countries and overseas points is necessary in order to determine whether the present disposition of radiotelegraph circuits and frequencies among the above-named applicants serves public interest, convenience, or necessity,

and in order to further the policy of providing the United States public with rapid, efficient and world-wide communication service with adequate facilities and at reasonable charges; and

It further appearing, that the Commission, upon examination of the above-described applications, is unable to determine that public interest, convenience, or necessity would be served by the granting thereof;

It is ordered, Pursuant to section 309 (a) of the Communications Act of 1934, as amended, That the foregoing applications be, and they are hereby designated for hearing for the following reasons:

1. To determine whether public interest, convenience or necessity would be better served by authorizing one, or more than one applicant, to communicate with each foreign country or overseas point, for which application has been made by more than one applicant, and where only one applicant has applied for a circuit to particular foreign or overseas point, to determine whether public interest, convenience or necessity would be served by authorizing a circuit to such point, in the light of all pertinent factors relating to such determinations, including, but not limited to the following:

(a) The volume of telegraph traffic between the United States on the one hand, and the foreign countries and overseas points applied for, on the other hand;

(b) The promotion of the most efficient and economical use of frequencies, equipment, and personnel in furnishing radiotelegraph service with each of the foreign countries and overseas points involved herein;

(c) The desirability, if any, of having a geographic group or groups of foreign countries or overseas points served by a single carrier;

(d) The ability of any single applicant to furnish the most rapid and efficient service to and from each foreign country and overseas point, or any group of foreign countries and overseas points, for which it has applied;

(e) The maintenance of competition, insofar as is consistent with the public interest, in foreign and overseas radiotelegraph communications service, and as between cable and radio communications services;

(f) The promotion of equitable arrangements for the division of tolls between the United States carriers and their foreign and overseas correspondents;

(g) The extent to which it is necessary for one or more of the applicants to operate direct circuits to specific foreign countries or overseas points in order to provide indirect telegraph service to other foreign countries or overseas points;

2. To determine, in the light of all pertinent factors relating to such determination, whether public interest, convenience, or necessity requires the establishment by any applicant of a circuit or circuits to any foreign country or overseas point for which it has not applied;

3. To determine the comparative qualifications of the respective applicants to operate, in the public interest, convenience or necessity, the circuits involved herein, in the light of all the per-

inent factors relating to such determination, including but not limited to the following:

(a) The ability of each applicant to furnish efficient service at low cost and to pass on to the public the benefits of economical operations;

(b) The nature of the service proposed to be rendered by each applicant over the circuits applied for, including the classes of traffic to be offered, the charges to be made for each such class, and the division of such charges;

(c) The equipment, frequencies and personnel to be used by each applicant for operating the circuits and the comparative efficiency of use thereof by each applicant;

(d) The speed, capacity, transmission qualities, and scheduled hours of operation of the circuits requested by each applicant in the above applications;

(e) The manner in which each applicant proposes to adapt its present system to provide for operation of circuits not presently authorized to such applicant but for which application is made herein;

(f) The nature of all existing or proposed contracts, agreements or understandings between each of the applicants, on the one hand, and any foreign administration or any other carrier for the operation of each of the circuits for which application is made;

(g) The routing practices followed and to be followed, as between any radiotelegraph carrier and its cable affiliates, if any, or any other cable company, for the handling of traffic to and from each of the points included in the above applications and the effect of these routing practices on the speed, efficiency, and economy with which traffic is handled;

(h) The plans formulated, and the progress made by each applicant, for improvement in operations, and promotion of economies in cost to the public for service, over each of the circuits requested in the above applications;

(i) The relationships between each applicant and its foreign affiliates, or other foreign interests, and whether such relationships are conducive to the development of a communications system which will serve the best interest of the United States public;

4. To determine the effect, if any, that the disposition of the circuits involved herein will have on the financial condition of each applicant and its ability to furnish an efficient service;

5. To determine whether existing cable and wire facilities are adequate to provide efficient service to and from foreign countries and overseas points served or to be served by radiotelegraph circuits requested in the above applications;

6. To determine whether public interest, convenience or necessity requires the maintenance or establishment, in addition to the facilities for handling general classes of telegraph services of the specialized press circuits requested in the applications of Press Wireless, Inc.

7. To determine whether public interest, convenience or necessity will be served by the continuation of the telegraph services performed by United States-Liberia Radio Corporation;

8. To determine the standards which should be followed by the Commission in assigning frequencies for foreign communications in the fixed public radio services, and the number and type of frequencies which should be licensed to each applicant in order to promote the most efficient and economical system for foreign communications.

9. To determine, in the light of the foregoing, what arrangement of radiotelegraph circuits, on a world-wide basis, will promote the greatest efficiency in service and economies in operation for foreign communication, and will best serve public interest, convenience, or necessity.

It is further ordered, That pursuant to sections 215 (c), 218 and 403 of the Communications Act of 1934, as amended, a general investigation be, and it is hereby instituted, on the Commission's own motion, into the practices, regulations, services, facilities, frequency utilization, costs of rendering service, technical developments, traffic arrangements, and management of each of the applicants, for and in connection with, or in any way affecting foreign communication service, and into the question of what distribution of radiotelegraph circuits for foreign communication will best serve public interest, convenience, or necessity;

It is further ordered, That the above-named applicants be and they are hereby made parties respondent herein, and copies of this order be served on such parties; on all other telegraph carriers subject to the Communications Act of 1934, as amended; on American Telephone & Telegraph Company, Mutual Telephone Company of Hawaii, and Radio Corporation of Porto Rico; and on the State, War, Navy, and Commerce Departments.

It is further ordered, That hearings be held with respect to the foregoing matters at a time and place to be designated by the Commission;

It is further ordered, That a pre-hearing conference be held at a time and place to be designated by the Commission, for the purpose of considering procedures to facilitate the conduct of the hearing provided for in the preceding paragraph;

It is further ordered, That any person or organization, other than the parties or interveners herein, desiring to make any presentation for the record herein shall no later than December 31, 1946, so inform the Commission in writing, giving the names of proposed witnesses and the matters to be covered;

It is further ordered, That any person desiring to intervene herein shall petition therefor pursuant to § 1.388 of the Commission's rules and regulations.

It is further ordered, That pursuant to § 1.384 of the Commission's rules and regulations, all outstanding licenses of the above-named applicants in the fixed public and fixed public press radio services, not heretofore renewed beyond December 1, 1946, be and they are hereby temporarily extended, subject to any terminations to be made by the Commission in the proceeding herein, or in any other proceeding presently pending and

affecting such licenses, but in no event beyond December 1, 1947;

It is further ordered, That all authorizations held by the above-named applicants relating to radio communications in the fixed public and fixed public press services, which are contained in special temporary authorizations which have not heretofore been renewed beyond December 1, 1946, be and they are hereby incorporated in the extended licenses referred to in the preceding paragraph, subject to the same terms and conditions applicable to such extended licenses, as set forth in the preceding paragraph.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21351; Filed, Dec. 9, 1946;
8:47 a. m.]

[Docket No. 7963]

CAPITOL BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING
ON STATED ISSUES

In re application of Capitol Broadcasting Company, Inc., Charlotte, North Carolina; File No. B3-P-4879, Docket No. 7963; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1946;

The Commission having under consideration the above-entitled application, as amended, requesting a construction permit for a new standard broadcast station to operate on 760 kc, with 1 kw power, daytime only, at Charlotte, North Carolina;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Publix Broadcasting Service of Charlotte, Inc. (File No. B3-P-5276; Docket No. 7902) requesting a construction permit for a new standard broadcast station to operate with identical facilities in the same city, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and

the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21350; Filed, Dec. 9, 1946;
8:47 a. m.]

[Docket No. 7969]

DELTA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING
ON STATED ISSUES

In re application of Gordon H. Brozek, Frank J. Russell, Jr., and Leo G. Brott (Transferors), Escanaba, Michigan, and Frank J. Lindenthal, John P. Norton, and William J. Duchaine (Transferees), Escanaba, Michigan; File No. B2-TC-499, Docket No. 7969. For consent to transfer control of Delta Broadcasting Company. (WDBC, Escanaba, Michigan.)

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946.

The Commission having under consideration the above-entitled application requesting consent to transfer control of Delta Broadcasting Company licensee of WDBC, Escanaba, Michigan; and

Not being satisfied that it is in possession of full information as required by the Communications Act and acting pursuant to section 310 (b) of said act;

It is ordered, That said application be, and the same is hereby designated for hearing, the date of which is to be fixed in further order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of transferees to acquire control of WDBC and continue its operation in the public interest.

2. To determine the type and character of program service proposed.

3. To obtain full information with respect to arrangements between transferors and transferees under which control of WDBC would be acquired.

4. To determine the character and extent of concentration of control over broadcasting and over the dissemination of news and public information by the interests which control transferee which might result if the application is granted,

and the effect upon competition in the areas involved.

5. To obtain full information as to how the station would be staffed and operated and the policies to be followed if the application is granted.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21352; Filed, Dec. 9, 1946;
8:47 a. m.]

[Delegation Order 4]

GENERAL COUNSEL

DELEGATION FOR NOVEMBER 22, 1946

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1946,

It appearing, that no members of the Commission may be present for the period specified below,

It is ordered, That for the day November 22, 1946, only, Benedict P. Cotton, General Counsel, is hereby authorized to hear and determine, order, certify, report, or otherwise act upon the matters set forth in § 1.112 of the Commission's rules and regulations, subject to the provisions of § 1.102 of said rules and regulations.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21356; Filed, Dec. 9, 1946;
8:47 a. m.]

ANNUAL REPORT TO BE FILED BY LICENSEES OF BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Schedule 13 of Form Number 324 is proposed to be revised as follows:

(a) Schedule 13 (A) calls for certain data on employees and their compensation from all broadcast stations and networks. The schedule covers all employees except non-supervisory program employees.

(b) Schedule 13 (B) calls for certain data on the number and compensation of non-supervisory program employees. This schedule is divided into sections I, covering staff program employees, and II, covering non-staff program employees.

3. The proposed schedules 13 (A) and (B) request information formerly required to be submitted under schedule 13. The proposed schedules require more complete information and are set forth in Appendix I¹ accompanying this notice.

4. The proposed schedules have been widely discussed with interested persons and were the subject of a special conference and discussion held in the Commission offices on September 20, 1946 be-

¹ Filed as part of the original document.

tween Commission staff employees, employees of the Department of Labor, the Bureau of the Budget, and representatives of networks, radio station licensees, and employees in the industry. The proposed schedules have been prepared in the light of suggestions received from these various parties.

5. The proposed schedules will be required to be filed under § 1.341 of the Commission's rules and regulations issued under the authority of sections 303 (r) and 308 (b) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed schedules should not be adopted in the form set forth, may file with the Commission on or before December 20, 1946, a written statement or brief setting forth his comments. The Commission will consider these written comments and if comments are submitted which appear to warrant the Commission in holding an oral argument, notice of time and place of such oral argument will be given.

Adopted: November 29, 1946.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21354; Filed, Dec. 9, 1946;
8:51 a. m.]

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7263]

DEUTSCHE GEMEINDE, TOKYO-YOKOHAMA

In re: Bonds and certificate of deposit owned by Deutsche Gemeinde, Tokyo-Yokohama.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Deutsche Gemeinde, Tokyo-Yokohama, the last known address of which is Tokyo, Japan, is a fraternal organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: a. One 6½%, Chicago Rapid Transit Company First Refunding Mortgage Gold Bond, of \$1000 face value, bearing the number M-5374, dated July 1, 1924, due July 1, 1944, and presently in the custody of Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, and any and all rights thereunder and thereto, together with Certificate of Deposit Number NB1804, dated March 31, 1939, issued by Central Hanover Bank and Trust Company, 70 Broadway, New York, New York, which certificate of deposit was held by Siemens, Incorporated, 120 Broadway, New York, New York, and is presently in the custody of the Alien Property Custodian, together with any and all rights thereunder and thereto, and any and all rights

to demand, enforce and collect the said certificate of deposit.

b. One 6%, Republic of Chile External Sinking Fund Gold Bond, of \$1000 face value, bearing the number M-18501, due February 1, 1961, which was held by Siemens, Incorporated, 120 Broadway, New York, New York, and is presently in the custody of the Alien Property Custodian, together with any and all rights thereunder and thereto, and

c. One 6½%, State of Minas Geraes Secured External Sinking Fund Gold Bond of 1928, of \$1000 face value bearing the number M-2008, due March 1, 1958, which was held by Siemens, Incorporated, 120 Broadway, New York, New York, and is presently in the custody of the Alien Property Custodian, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 29, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21315; Filed, Dec. 6, 1946; 8:46 a. m.]

[Vesting Order 7603]

EMMY VON SCHRADER

In re: Stock and Bond owned by and debt owing to Emmy Von Schrader, also known as Emmy von Schrader F-28-1674-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Emmy Von Schrader, also known as Emmy von Schrader, whose last known address is Weg 110, Klein Borstel, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirteen hundred (1300) shares of \$10 par value common capital stock of Lone Star Gas Co., 1915 Wood Street, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificates numbered D17115, D17116, D17117, D17118, D17119, D17120, D17121, D17122, D17123, D17124, D17125, D17126 and D17127, for 100 shares respectively, issued May 5, 1943, registered in the name of Drysdale & Co., 71 Broadway, New York 6, New York, together with all declared and unpaid dividends thereon,

b. Seventy-two (72) shares of \$20 par value common capital stock of Northern Natural Gas Company, Aquila Court Building, Omaha, Nebraska, a corporation organized under the laws of the State of Delaware, evidenced by certificate number N F 975, issued January 22, 1943, registered in the name of Drysdale & Co., and presently in the custody of Drysdale & Co., 71 Broadway, New York 6, New York, together with all declared and unpaid dividends thereon,

c. Two (2) 2½% United States Treasury Notes, of \$1000 face value, bearing the numbers 166289 K and 166290 L, due 1965-1970, issued February 1944, and presently in the custody of Drysdale & Co., 71 Broadway, New York 6, New York, together with any and all rights thereunder and thereto, and

d. That certain debt or other obligation owing to Emmy Von Schrader, also known as Emmy von Schrader, by Drysdale & Co., 71 Broadway, New York 6, New York, in the amount of \$1907.70, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the

aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21358; Filed, Dec. 9, 1946; 8:55 a. m.]

[Vesting Order 7821]

SHIGezo TAKIZAWA

In re: Bank account and stock owned by and debt owing to Shigezo Takizawa, F-39-934-A-1, F-39-934-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Shigezo Takizawa, whose last known address is Urawa, Saitama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: a. That certain debt or other obligation owing to Shigezo Takizawa, by Underwriters Trust Company, 50 Broadway, New York, New York, arising out of a savings account, Account Number M-5591, entitled Shigezo Takizawa, and any and all rights to demand, enforce and collect the same,

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, and presently in the

custody of the persons whose names are set forth opposite the names of the registered owners in Exhibit A, together with all declared and unpaid dividends thereon.

c. Ten (10) shares of \$1.00 par value common capital stock of Texas Pacific Land Trust, 65 Broadway, New York, N. Y., evidenced by certificate number 088354, registered in the name of John Muir & Co., 39 Broadway, New York, N. Y., and presently in the custody of John Muir & Co., 39 Broadway, New York, N. Y., together with all declared and unpaid dividends thereon, and

d. That certain debt or other obligation owing to Shigezo Takizawa, by John Muir & Co., 39 Broadway, New York, N. Y., in the amount of \$233.53, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an ap-

propriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 10, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Number of shares	Class of shares	Name and address of corporation	State of incorporation	Certificate Nos.	Registered in the name of—	In custody of—	APC file Nos.
20	No par value common.	Allied Stores Corp., 1440 Broadway, New York, N. Y.	Delaware	CO67202	John Muir & Co., 39 Broadway, New York, N. Y.	John Muir & Co., 39 Broadway, New York, N. Y.	F-39-934-A-1.
20	\$1 par value common.	American Encaustic Tiling Co., Inc., Lansdale, Pa.	New York	CO18216	John Muir & Co.	John Muir & Co.	F-39-934-A-1.
20	do.	Carriers & General Corp., 1 Wall St., New York, N. Y.	Maryland	CO20702	do.	do.	F-39-934-A-1.
50	No par value common.	The Commonwealth & Southern Corp., 902 Market St., Wilmington, Del.	do.	474565	do.	do.	F-39-934-A-1.
20	do.	Consolidated Steel Corp., Los Angeles, Calif.	Delaware	O4539	do.	do.	F-39-934-A-1.
10	\$5 par value common.	Eastern Stainless Steel Corp., Rolling Mill Ave. and Baltimore St., Colgate, Baltimore County, Md.	Maryland	10813	do.	do.	F-39-934-A-1.
20	No par value common.	Greenfield Tap & Die Corp., Greenfield, Mass.	Massachusetts	C18564	Shigezo Takizawa	do.	F-39-934-A-1.
30	\$1 par value "old" common.	Reo Motors Inc., 1331 South Washington Ave., Lansing, Mich.	Michigan	LOS241	John Muir & Co.	do.	F-39-934-A-1.
20	No par common.	Pittsburgh Screw & Bolt Corp., 2719 Preble Ave., Pittsburgh, Pa.	Pennsylvania	NYO32556	do.	do.	F-39-934-A-1.
20	"War" Common.	The Symington-Gould Corp., 20 Symington Pl., Rochester, N. Y.	Maryland	XCO7393	do.	do.	F-39-934-A-1.
20	\$1 par value common.	Thermoid Co., Whitehead Road, Trenton, N. J.	Delaware	CO20052	do.	do.	F-39-934-A-1.
20	do.	Tri-Continental Corp., 10 Light St., Baltimore, Md.	Maryland	67881	do.	do.	F-39-934-A-1.
20	No par value common.	Transue & Williams Steel Forging Corp., 14 Wall St., New York, N. Y.	Delaware	O12761	do.	do.	F-39-934-A-1.
10	\$10 par value common.	United Paperboard Co., Inc., 285 Madison Ave., New York, N. Y.	New Jersey	NF5678	do.	do.	F-39-934-A-1.
10	No par value common.	Walworth Co., 60 East 42d St., New York, N. Y.	Massachusetts	CO42934	do.	do.	F-39-934-A-1.
7	\$1 par value common.	Curtiss-Wright Corp., 30 Rockefeller Plaza, New York, N. Y.	Delaware	311730	Shigezo Takizawa	Underwriters Trust Co., 50 Broadway, New York, N. Y.	F-39-934-D-1. F-39-934-E-1.
20	\$5 par value common.	Bucyrus-Erie Co., South Milwaukee, Wis.	do.	AO 52591	do.	Underwriters Trust Co.	F-39-934-D-2. F-39-934-E-1.
10	\$1 par value common.	The Sperry Corp., 30 Rockefeller Plaza, New York, N. Y.	do.	80539	do.	do.	F-39-934-D-3. F-39-934-E-1.

[F. R. Doc. 46-21316; Filed, Dec. 6, 1946; 8:47 a. m.]

[Vesting Order 7735]

FLORA HERTZWIEVE

In re: Bonds owned by and debt owing to Flora Hertzwieve, also known as Flora Hertzwive. F-28-23852-D-1, F-28-23852-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Flora Hertzwieve, also known as Flora Hertzwive, whose last known address is Baden-Baden Leusenstrasse, Peters Bad Hotel, Zum Hirsch, Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows:

a. Two (2) 5%, Kreuger & Toll Company Secured Sinking Fund Gold Debenture Bonds, \$1,000 face value, bearing the numbers M13371 and M13372, registered in the name of Flora Hertzwieve, Baden-Baden Leusenstrasse, Peters Bad Hotel, Zum Hirsch, Germany, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation owing to Flora Hertzwieve, also known as Flora Hertzwive, by Guaranty

Trust Company of New York, 140 Broadway, New York, New York, in the amount of \$49, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national

interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21359; Filed, Dec. 9, 1946;
8:55 a. m.]

[Vesting Order 7744]

JOSEPH A. POHL

In re: Stock owned by and debt owing to Joseph A. Pohl. F-28-23587-D-1, F-28-23587-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Joseph A. Pohl, whose last known address is Burgstrasse 19, Ammendorf, Saalkreis, Germany, is a resident of Germany and a national of a designated enemy country (Germany);
2. That the property described as follows:

a. Twenty (20) shares of no par value common capital stock of Washington-Jefferson Realty Corporation, Standard Savings Building, Griswold Street at Jefferson Avenue, Detroit 26, Michigan, a corporation organized under the laws of the State of Michigan, evidenced by certificate number 113, registered in the name of Joseph A. Pohl, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Joseph A. Pohl, by National Bank of Detroit, 660 Woodward Avenue,

Detroit 32, Michigan, in the amount of \$1,036.90, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-21360; Filed, Dec. 9, 1946;
8:55 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-115, G-399, G-400, 401]

EAST OHIO GAS CO., ET AL.

ORDER POSTPONING HEARING

DECEMBER 3, 1946.

In the matter of The East Ohio Gas Company, Docket No. G-115; City of Euclid, Complainant, v. The East Ohio Gas Company, Defendant, Docket No. G-399; City of Cleveland, Complainant v. The East Ohio Gas Company, Defendant, Docket No. G-400; and City of Lakewood, Complainant, v. The East Ohio Gas Company, Defendant, Docket No. G-401.

It appears to the Commission that:

(a) On November 1, 1946, the Commission ordered that the rehearing in the above-entitled matters, limited to oral argument before the Commission, theretofore set for December 4, 1946, be postponed to December 12, 1946.

(b) Good cause exists for further postponing the date of rehearing as herein-after provided.

The Commission orders that: The rehearing in these matters now set to commence on December 12, 1946, be and the same is hereby postponed to commence at 10:00 a. m. (e. s. t.) on January 7, 1947, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: December 5, 1946.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-21340; Filed, Dec. 9, 1946;
8:48 a. m.]

[Docket No. G-706]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 3, 1946.

Notice is hereby given that on December 2, 1946, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered November 30, 1946, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-21321; Filed, Dec. 9, 1946;
8:50 a. m.]

[Docket No. IT-5665]

CONNECTICUT LIGHT AND POWER CO.

ORDER POSTPONING ORAL ARGUMENT

DECEMBER 3, 1946.

It appears to the Commission that:

(a) On November 5, 1946, the Commission ordered that the oral argument in this matter theretofore set for November 25, 1946, be postponed to December 11, 1946.

(b) Good cause exists for further postponing such oral argument as herein-after provided.

The Commission orders that: The oral argument in this matter now set for December 11, 1946, be and the same is hereby postponed to commence at 10:00 a. m., December 13, 1946, in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington D. C., before the Commission.

Date of issuance: December 5, 1946.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-21341; Filed, Dec. 9, 1946;
8:50 a. m.]

[Docket No. G-731]

MICHIGAN GAS STORAGE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 5, 1946.

Notice is hereby given that, on December 4, 1946, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered December 3, 1946, in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 46-21339; Filed, Dec. 9, 1946;
8:48 a. m.]

[Docket No. G-824]

TENNESSEE GAS AND TRANSMISSION CO.

NOTICE OF ORDER ISSUING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 3, 1946.

Notice is hereby given that, on December 3, 1946, the Federal Power Commission issued its order issuing temporary certificate of public convenience and necessity, entered December 2, 1946, in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 46-21322; Filed, Dec. 9, 1946;
8:50 a. m.]

[Docket No. IT-5914]

SAFE HARBOR WATER POWER CORP.

NOTICE OF OPINION AND ORDER REDUCING RATES

DECEMBER 3, 1946.

Notice is hereby given that, on November 4, 1946, the Federal Power Commission issued its opinion No. 143 and order reducing rates entered October 25, 1946 in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 46-21319; Filed, Dec. 9, 1946;
8:48 a. m.]

[Project No. 1892]

BELLOWS FALLS HYDRO-ELECTRIC CORP.

NOTICE OF OPINION AND ORDER AUTHORIZING AMENDMENT OF LICENSE

DECEMBER 3, 1946.

Notice is hereby given that, on November 1, 1946, the Federal Power Commission issued its opinion No. 144 and order

authorizing amendment of license entered October 31, 1946 in the above-designated matter.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 46-21320; Filed, Dec. 9, 1946;
8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-403]

NATIONAL FOUNDERS CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of December A. D. 1946.

Notice is hereby given that the Commission has instituted a proceeding pursuant to section 8 (f) of the Investment Company Act of 1940 to determine whether it should issue an order declaring that National Founders Corporation has ceased to be an investment company within the meaning of said act.

The Commission has reasonable cause to believe that National Founders Corporation has been dissolved pursuant to applicable state law and that the assets have been distributed pro rata among the stockholders.

It appearing to the Commission that a hearing upon the application is necessary and appropriate,

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on the 23d day of December, 1946, at 9:45 a. m., Eastern Standard Time, in Room 318 of the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rules of practice, as amended.

Notice of such hearing is given to the National Founders Corporation and to any person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors. Persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before December 21,

1946, an application therefor in accordance with the provisions of Rule XVII of the rules of practice of the Commission, as amended, setting forth the matters or issues of law or fact raised by the aforesaid application which he desires to controvert.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 46-21324; Filed, Dec. 9, 1946;
8:49 a. m.]

[File No. 70-1241]

STANDARD GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER GRANTING TIME EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2nd day of December 1946.

The Commission having previously issued supplemental orders in the above-entitled matter (Holding Company Act Release Nos. 6706, 6733, 6817 and 6941) granting extensions of time until June 22, July 31, October 15 and December 2, 1946, respectively, for the consummation of the proposed sale by Standard Gas and Electric Company of its investment in Empresa de Servicios Publicos de los Estados Mexicanos, S. A. to Theodore E. Shepard for \$858,000 cash; such proposed sale having heretofore been approved by order of the Commission dated April 15, 1946 (Holding Company Act Release No. 6557); and

Standard Gas and Electric Company on November 27, 1946, having filed a request for a further extension of time to February 1, 1947, within which to consummate said proposed sale; and

The Commission having considered the matter and deeming it appropriate that such request be granted;

It is hereby ordered, That the time for consummation of the proposed sale by Standard Gas and Electric Company of its investment in Empresa de Servicios Publicos de los Estados Mexicanos, S. A. to Theodore E. Shepard heretofore approved by order of this Commission dated April 15, 1946 (Holding Company Act Release No. 6557), be and the same hereby is extended to February 1, 1947, subject to the terms of said request and subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F. R. Doc. 46-21323; Filed, Dec. 9, 1946;
8:49 a. m.]